

2014
CUMULATIVE SUPPLEMENT
TO
MISSISSIPPI CODE
1972 ANNOTATED

Issued September 2014

**CONTAINING PERMANENT PUBLIC STATUTES OF MISSISSIPPI
ENACTED THROUGH THE 2014 REGULAR SESSION
AND 1ST AND 2ND EXTRAORDINARY SESSIONS
OF THE LEGISLATURE**

**PUBLISHED BY AUTHORITY OF
THE LEGISLATURE**

SUPPLEMENTING

Volume 15A

Title 73

(As Revised 2012)

For latest statutes or assistance call 1-800-833-9844

By the Editorial Staff of the Publisher



LexisNexis®

QUESTIONS ABOUT THIS PUBLICATION?

For EDITORIAL QUESTIONS concerning this publication, or REPRINT PERMISSION, please call:
800-833-9844

For CUSTOMER SERVICE ASSISTANCE concerning replacement pages, shipments, billing or other matters, please call:

Customer Service Department at	800-833-9844
Outside the United States and Canada	518-487-3000
FAX	518-487-3584

For INFORMATION ON OTHER MATTHEW BENDER PUBLICATIONS, please call:

Your account manager or	800-223-1940
Outside the United States and Canada	518-487-3000

Copyright © 2014
by
THE STATE OF MISSISSIPPI

All rights reserved.

LexisNexis and the Knowledge Burst logo are registered trademarks, and Michie is a trademark of Reed Elsevier Properties, Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties, Inc.

5463225

ISBN 978-0-327-09628-3 (Code set)
ISBN 978-0-7698-5382-6 (Volume 15A)



Matthew Bender & Company, Inc.

701 E Water Street, Charlottesville, VA 22902-5389

www.lexisnexis.com

User's Guide

In order to assist both the legal profession and the layman in obtaining the maximum benefit from the Mississippi Code of 1972 Annotated, a User's Guide has been included in the main volume. This guide contains comments and information on the many features found within the Code intended to increase the usefulness of the Code to the user.



Digitized by the Internet Archive
in 2014

<https://archive.org/details/govlawmsv15acsy1972>

PUBLISHER'S FOREWORD

Statutes

The 2014 Supplement to the Mississippi Code of 1972 Annotated reflects the statute law of Mississippi as amended by the Mississippi Legislature through the end of the 2014 Regular Session and 1st and 2nd Extraordinary Sessions.

Annotations

Case annotations are included based on decisions of the State and federal courts in cases arising in Mississippi. Annotations to collateral research references are also included.

To better serve our customers by making our annotations more current, LexisNexis has changed the sources that are read to create annotations for this publication. Rather than waiting for cases to appear in printed reporters, we now read court decisions as they are released by the courts. A consequence of this more current reading of cases, as they are posted online on LexisNexis, is that the most recent cases annotated may not yet have print reporter citations. These will be provided, as they become available, through later publications.

This publication contains annotations taken from decisions of the Mississippi Supreme Court and the Court of Appeals and decisions of the appropriate federal courts. These cases will be printed in the following reporters:

- Southern Reporter, 3rd Series
- United States Supreme Court Reports
- Supreme Court Reporter
- United States Supreme Court Reports, Lawyers' Edition, 2nd Series
- Federal Reporter, 3rd Series
- Federal Supplement, 2nd Series
- Federal Rules Decisions
- Bankruptcy Reporter

Additionally, annotations have been taken from the following sources:

- American Law Reports, 6th Series
- American Law Reports, Federal 2nd
- Mississippi College Law Review
- Mississippi Law Journal

Finally, published opinions of the Attorney General and opinions of the Ethics Commission have been examined for annotations.

Amendment Notes

Amendment notes detail how the new legislation affects existing sections.

Editor's Notes

Editor's notes summarize subject matter and legislative history of repealed sections, provide information as to portions of legislative acts that have not been codified, or explain other pertinent information.

PUBLISHER'S FOREWORD

Joint Legislative Committee Notes

Joint Legislative Committee notes explain codification decisions and corrections of Code errors made by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation.

Tables

The Statutory Tables volume adds tables showing disposition of legislative acts through the 2014 Regular Session and 1st and 2nd Extraordinary Sessions.

Index

The comprehensive Index to the Mississippi Code of 1972 Annotated is replaced annually, and we welcome customer suggestions. The foreword to the Index explains our indexing principles, suggests guidelines for successful index research, and provides methods for contacting indexers.

Acknowledgements

The publisher wishes to acknowledge the cooperation and assistance rendered by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation, as well as the offices of the Attorney General and Secretary of State, in the preparation of this supplement.

User Information

Visit the LexisNexis website at <http://www.lexisnexis.com> for an online bookstore, technical support, customer support, and other company information.

For further information or assistance, please call us toll-free at (800) 833-9844, fax us toll-free at (800) 643-1280, e-mail us at customer.support@bender.com, or write to: Mississippi Code Editor, LexisNexis, 701 E. Water Street, Charlottesville, VA 22902-5389.

September 2014

LexisNexis

SCHEDULE OF NEW SECTIONS

Added in this Supplement

TITLE 73. PROFESSIONS AND VOCATIONS

CHAPTER 34. Real Estate Appraisers

REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT

SEC.

- 73-34-14. Background investigations required of applicants for real estate appraiser license or certification.

CHAPTER 35. Real Estate Brokers

IN GENERAL

- 73-35-4.1. Disclosure of information concerning size or area of property involved in real estate transaction; liability; remedy for violation of section.

CHAPTER 50. Licensing, Certifying or Registering Military-trained Individuals or Spouses to Lawfully Practice Occupation

- 73-50-1. Issuance of license, certificate or registration by occupational licensing board to military-trained or military spouse applicants to lawfully practice occupation in Mississippi under certain circumstances; temporary practice permit.

CHAPTER 69. Mississippi Electronic Protection Licensing Act

- 73-69-33. Appeal process.
73-69-35. Subpoena and examination of witnesses.

MISSISSIPPI CODE 1972

ANNOTATED

VOLUME FIFTEEN A

TITLE 73

PROFESSIONS AND VOCATIONS

Chapter 1.	Architects	73-1-1
Chapter 2.	Landscape Architectural Practice	73-2-1
Chapter 3.	Attorneys at Law	73-3-1
Chapter 4.	Auctioneers	73-4-1
Chapter 5.	Barbers	73-5-1
Chapter 6.	Chiropractors	73-6-1
Chapter 7.	Cosmetologists	73-7-1
Chapter 9.	Dentists	73-9-1
Chapter 10.	Dietitians	73-10-1
Chapter 11.	Practice of Funeral Service and Funeral Directing	73-11-1
Chapter 13.	Engineers and Land Surveyors	73-13-1
Chapter 14.	Hearing Aid Dealers	73-14-1
Chapter 15.	Nurses	73-15-1
Chapter 17.	Nursing Home Administrators	73-17-1
Chapter 19.	Optometry and Optometrists	73-19-1
Chapter 21.	Pharmacists	73-21-1
Chapter 23.	Physical Therapists	73-23-1
Chapter 24.	Mississippi Occupational Therapy Practice Act	73-24-1
Chapter 25.	Physicians	73-25-1
Chapter 26.	Physician Assistants	73-26-1
Chapter 27.	Podiatrists	73-27-1
Chapter 29.	Polygraph Examiners	73-29-1
Chapter 30.	Licensed Professional Counselors	73-30-1
Chapter 31.	Psychologists	73-31-1
Chapter 33.	Public Accountants	73-33-1
Chapter 34.	Real Estate Appraisers	73-34-1
Chapter 35.	Real Estate Brokers	73-35-1
Chapter 36.	Registered Foresters	73-36-1
Chapter 38.	Speech Pathologists and Audiologists	73-38-1
Chapter 39.	Veterinarians	73-39-1
Chapter 50.	Licensing, Certifying or Registering Military-trained Individuals or Spouses to Lawfully Practice Occupation	73-50-1
Chapter 53.	Licensing and Regulation of Social Workers	73-53-1
Chapter 54.	Marriage and Family Therapists	73-54-1
Chapter 60.	Home Inspectors	73-60-1
Chapter 63.	Registered Professional Geologists Practice Act	73-63-1
Chapter 65.	Professional Art Therapists	73-65-1
Chapter 67.	Professional Massage Therapists	73-67-1
Chapter 69.	Mississippi Electronic Protection Licensing Act	73-69-1

§ 73-1-21

PROFESSIONS AND VOCATIONS

Chapter 71.

Acupuncture Practice Act

73-71-1

Chapter 73.

Mississippi Certified Interior Designer Act

73-73-1

CHAPTER 1

Architects

SEC.

73-1-21.

Qualifications required of architects residing outside this state.

73-1-23.

Temporary licenses not to be issued.

§ 73-1-21. Qualifications required of architects residing outside this state.

Any architect residing outside this state may obtain a certificate to practice in the State of Mississippi by complying with Section 73-1-13, and by paying the fees prescribed by the rules of the board; however, no such nonresident applicant shall receive a certificate to practice in this state unless the applicant furnishes evidence satisfactory to the board that the applicant holds a current and valid registration issued by a registration authority recognized by the board, holds a National Council of Architectural Registration Board's certificate, has never been restrained from practicing architecture, and has never had a certificate or license revoked. Each nonresident applicant shall submit, as a part of the application, a sworn affidavit stating that neither such applicant nor any person in, or agent of, the applicant's firm has practiced or is practicing architectural work in this state prior to the applicant having been licensed by the board unless such person or agent holds a license to practice architecture in this state. Failure to submit this affidavit is just cause for disapproval of the application. Every applicant for reciprocity registration shall comply fully with the requirements for resident applicants, except that nonresident applicants who met the requirements for issuance of a certificate of registration by the board prior to January 1, 1987, and who, on that date, held a current and valid registration by a registration authority recognized by the board or were qualified exam candidates in another jurisdiction recognized by the board, shall not be required to meet the degree requirements of Section 73-1-13. The board shall have the further right to exercise its discretion as to whether such nonresident architect shall be issued such certificate to practice.

The issuance of a certificate by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, 1930, § 3620; 1942, § 8632-11; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 11; Laws, 1976, ch. 363, § 6; reenacted, Laws, 1983, ch. 377, § 11; Laws, 1988, ch. 578, § 7; Laws, 2000, ch. 472, § 1; Laws, 2010, ch. 361, § 1; Laws, 2013, ch. 350, § 4, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the second paragraph and made a minor stylistic change.

§ 73-1-23. Temporary licenses not to be issued.

No temporary license to practice shall be issued by the board, except as authorized under Section 73-50-1.

SOURCES: Codes, 1942, § 8632-12; Laws, 1954, ch. 320, § 11; Laws, 1976, ch. 363, § 7; reenacted, Laws, 1983, ch. 377, § 12; Laws, 2013, ch. 350, § 5, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the exception at the end of the paragraph.

CHAPTER 2**Landscape Architectural Practice**

SEC.

73-2-11. Exemptions from examination.

§ 73-2-11. Exemptions from examination.

The board may exempt from examination any applicant who holds a license or certificate to practice landscape architecture issued to him upon examination by a legally constituted board of examiners of any other state or Washington, D.C., or any other territory or possession under the control of the United States, provided that such requirements of the state in which the applicant is registered are equivalent to those of this state.

Each nonresident applicant shall submit, as part of the application, a sworn affidavit stating that neither such applicant nor any person in or agent of the applicant's firm has practiced or is practicing landscape architectural work in this state prior to the applicant having been licensed by the board unless such person or agent holds a license to practice landscape architecture in this state. Failure to submit this affidavit or submitting an affidavit which is false in any respect shall constitute just cause for denial of the application.

An applicant who is a licensed landscape architect but who was admitted in a jurisdiction which did not offer a written examination acceptable to the board or was admitted without the requirement of passing a written examination may be issued a license to practice landscape architecture in this state upon the taking and passing of any examination or procedure as may be adopted by the board, provided that such applicant meets all other requirements for issuance of a license to practice landscape architecture in this state.

The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1973, ch. 471, § 6; reenacted, Laws, 1983, ch. 348, § 6; reenacted and amended, Laws, 1988, ch. 517, § 6; reenacted without change, Laws, 1991, ch. 318, § 6; reenacted without change, Laws, 1999, ch. 371, § 6; reenacted and amended, Laws, 2001, ch. 406, § 6; reenacted without change, Laws, 2005, ch. 361, § 6; Laws, 2013, ch. 350, § 6, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last paragraph.

CHAPTER 3

Attorneys at Law

Article 1.	Admission and Conduct of Attorneys	73-3-1
Article 9.	Repeal Provisions for Board of Bar Admissions	73-3-401

ARTICLE 1.

ADMISSION AND CONDUCT OF ATTORNEYS.

SEC.	
73-3-57.	Unlawful to encourage litigation.

§ 73-3-55. Unlawful to practice law without license; certain abstract companies may certify titles.

JUDICIAL DECISIONS

1. In general.

Chancery court erred in granting summary judgment to a Louisiana attorney in a Mississippi client's legal malpractice action because there was a genuine issue of material fact as to whether the attorney's letter to the client regarding his Mississippi personal injury claim violated Miss. Code Ann. § 73-3-55 and voided the parties' contingency-fee contract; there was

evidence the attorney, who was not admitted to practice pro hac vice in Mississippi, appeared before the Mississippi courts for at least two months and gave legal advice to the client. *Forbes v. Louis St. Martin*, — So. 3d —, 2013 Miss. App. LEXIS 124 (Miss. Ct. App. Mar. 5, 2013), reversed by 2014 Miss. LEXIS 258 (Miss. May 22, 2014).

§ 73-3-57. Unlawful to encourage litigation.

It shall be unlawful for an attorney at law licensed in this or any other state, either before or after action brought, to promise, or give or offer to promise or give, a valuable consideration to any person as an inducement to placing, or in consideration of having placed in his hands, or in the hands of any partnership of which he is a member, a demand of any kind, for the purpose of bringing suit or making claim against another, or to employ a person to search for and procure clients to be brought to such attorney.

SOURCES: Codes, 1906, § 231; Hemingway's 1917, § 208; 1930, § 3711; 1942, § 8683; reenacted without change, Laws, 1983, ch. 457, § 14; reenacted, Laws, 1991, ch. 560, § 14; reenacted without change, Laws, 1999, ch. 372, § 15; reenacted without change, Laws, 2003, ch. 524, § 14; reenacted without change, Laws, 2006, ch. 471, § 14; Laws, 2013, ch. 556, § 2, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment inserted "licensed in this or any other state" near the beginning of the paragraph.

JUDICIAL DECISIONS

2. Attorney advancing “living expenses.”

Chancery court erred in granting summary judgment to a Louisiana attorney in a Mississippi client’s legal malpractice action because there was a genuine issue of material fact as to whether the attorney’s conduct in advancing over \$ 100,000 to the

client for “living expenses” violated Miss. R. Prof. Conduct 1.8(e), Miss. Code Ann. §§ 97-9-11 and 73-3-57, and voided the parties’ contingency-fee contract. *Forbes v. Louis St. Martin*, — So. 3d —, 2013 Miss. App. LEXIS 124 (Miss. Ct. App. Mar. 5, 2013), reversed by 2014 Miss. LEXIS 258 (Miss. May 22, 2014).

ARTICLE 9.

REPEAL PROVISIONS FOR BOARD OF BAR ADMISSIONS.

SEC.

73-3-403. Repealed.

§ 73-3-403. Repealed.

Repealed by Laws, 2014, ch. 311, § 1, eff from and after July 1, 2014.

§ 73-3-403. [Laws, 1991, ch. 526, § 65; Laws, 1992, ch. 515, § 65; Laws, 1995, ch. 556, § 1; Laws, 2000, ch. 568, § 1; Laws, 2002, ch. 599, § 1; Laws, 2007, ch. 340, § 1, eff from and after July 1, 2007.]

Editor’s Note — Former § 73-3-403 provided for the repeal of The Mississippi Bar and procedures related to the regulation of fees and disciplinary jurisdiction of attorneys.

CHAPTER 4

Auctioneers

SEC.

- 73-4-23. Exemption from examination requirements for nonresidents [Repealed effective July 1, 2016].
- 73-4-27. Qualifications for auction firm license; termination or suspension of license; additional requirements [Repealed effective July 1, 2016].
- 73-4-35. Standards governing performance of duties of auctioneers; accounting and payment of monies to owners or consignors of goods involved in auction [Repealed effective July 1, 2016].
- 73-4-53. Repeal of Sections 73-4-1 through 73-4-51.

§ 73-4-1. Short title [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 1; reenacted without change, Laws, 2010, ch. 335, § 1; reenacted without change, Laws, 2013, ch. 415, § 1, eff from and after July 1, 2013.

Editor’s Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-3. Definitions [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 2; Laws, 2009, ch. 476, § 1; reenacted without change, Laws, 2010, ch. 335, § 2; reenacted without change, Laws, 2013, ch. 415, § 2, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-5. License required to conduct auction, provide auction services, hold self out as or advertise services as auctioneer; exceptions [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 3; Laws, 2009, ch. 476, § 2; reenacted without change, Laws, 2010, ch. 335, § 3; reenacted without change, Laws, 2013, ch. 415, § 3, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-7. Mississippi Auctioneer Commission; creation; powers and duties generally; qualifications, terms, and compensation of members [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 4; reenacted without change, Laws, 2010, ch. 335, § 4; reenacted without change, Laws, 2013, ch. 415, § 4, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-9. Meetings of commission generally; quorum; requirement of majority vote [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 5; reenacted without change, Laws, 2010, ch. 335, § 5; reenacted without change, Laws, 2013, ch. 415, § 5, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it

appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-11. Officers of commission; executive director [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 6; reenacted without change, Laws, 2010, ch. 335, § 6; reenacted without change, Laws, 2013, ch. 415, § 6, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-13. Powers and duties of commission [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 7; reenacted without change, Laws, 2010, ch. 335, § 7; reenacted without change, Laws, 2013, ch. 415, § 7, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-15. Mississippi Auctioneer Licensure Fund [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 8; Laws, 2009, ch. 476, § 3; reenacted without change, Laws, 2010, ch. 335, § 8; reenacted without change, Laws, 2013, ch. 415, § 8, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-17. Classification of licenses; qualifications of applicants for licenses; examinations; examination fee; surety bond generally; additional requirements for auction firm license; issuance, term, and renewal of licenses; license fees; record keeping requirements [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 9; Laws, 1997, ch. 588, § 26; Laws, 2007, ch. 309, § 5; Laws, 2009, ch. 476, § 4; reenacted without change, Laws, 2010, ch. 335, § 9; reenacted without change, Laws, 2013, ch. 415, § 9, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-19. Procedure for submission and processing of complaints against licensees; remedies for violations by licensees; judicial review of disciplinary actions [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 10; Laws, 1996, ch. 507, § 29; Laws, 2009, ch. 476, § 5; reenacted and amended, Laws, 2010, ch. 335, § 10; reenacted without change, Laws, 2013, ch. 415, § 10, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-21. Exemption from examination requirement for residents [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405, § 11; Repealed by Laws, 2009, ch. 476, § 12, eff from and after July 1, 2009; reenacted without change, Laws, 2010, ch. 335, § 11; reenacted without change, Laws, 2013, ch. 415, § 11, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-23. Exemption from examination requirements for nonresidents [Repealed effective July 1, 2016].

Any auctioneer who is licensed in a state that (a) has requirements equal to the requirements of this chapter, (b) has requirements that have been approved by the commission, after a review of such state's licensing law, and (c) has entered into a reciprocal licensing agreement with the State of Mississippi through such state's regulatory authority over auctioneering, may apply for and be granted a license without examination. Applicants for a license through reciprocity shall furnish the commission by application the same information as that required of resident applicants. In addition to the biennial license fee, nonresidents shall pay to the commission a fee of Two Hundred Fifty Dollars (\$250.00). A nonresident auctioneer shall furnish to the commission a surety bond, obligated to the State of Mississippi, in the amount of Ten Thousand Dollars (\$10,000.00) prior to being issued a license. The bond shall be executed by the person seeking the license as principal and by a corporate surety, licensed to do business in this state, as surety. The bond shall otherwise be in accordance with the provisions of this chapter.

The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1995, ch. 405 § 12; reenacted without change, Laws, 2010, ch. 335, § 12; Laws, 2013, ch. 350, § 7; reenacted and amended, Laws, 2013, ch. 415, § 12, eff from and after July 1, 2013.

Joint Legislative Committee Note — Section 7 of ch. 350, Laws of 2013, effective from and after July 1, 2013 (approved March 18, 2013), amended this section. Section 12 of ch. 415, Laws of 2013, effective July 1, 2013 (approved March 20, 2013), reenacted and amended this section. As set out above, this section reflects the language of both amendments, pursuant to Section 1-1-109, which gives the Joint Legislative Committee on Compilation, Revision and Publication of Legislation authority to integrate amendments so that all versions of the same code section enacted within the same legislative session may become effective. The Joint Committee on Compilation, Revision and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at its August 1, 2013, meeting.

Amendment Notes — The first 2013 amendment (ch. 350) substituted “biennial” for “biannual” in the third sentence of the first paragraph; and added the last paragraph.

The second 2013 amendment (ch. 415) reenacted and amended the section by substituting “biennial” for “biannual” in the third sentence of the first paragraph.

§ 73-4-25. Grounds for disciplinary proceedings against licensees; penalties [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 13; Laws, 1996, ch. 507, § 30; Laws, 2009, ch. 476, § 6; reenacted and amended, Laws, 2010, ch. 335, § 13; reenacted without change, Laws, 2013, ch. 415, § 13, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-27. Qualifications for auction firm license; termination or suspension of license; additional requirements [Repealed effective July 1, 2016].

(1) No person or party who is not otherwise exempt from licensure under Section 73-34-5 shall sell, or offer to sell, goods or real estate at auction in this state or perform any act for which an auction firm license is required, unless the person or party holds a currently valid license issued by the commission.

(2) Any person who is not otherwise licensed under this chapter and who only provides auction services or holds himself out as providing auction services shall do so only with a valid auction firm license issued under this section.

(3) The commission may grant an auction firm license to an auction firm that is determined to be qualified by the commission. To be eligible for license, the auction firm shall:

(a) Comply with the requirements of Sections 73-4-17 and 73-4-29 and the rules and regulations of the commission; and

(b) Employ a firm manager as required under subsection (5) of this section.

(4) An application submitted under this section for an auction firm license shall list the names of all of the owners, directors, partners or members of the applicant, as applicable.

(5) An auction firm shall designate a firm manager. The firm manager shall have sufficient authority in the operation of the auction firm to ensure compliance with this chapter and rules and regulations of the commission. If the firm manager does not have a current license issued under this chapter, the firm manager must become licensed under this chapter before the commission may issue a license under this section to the auction firm.

(6) An auction firm license issued under this section immediately shall terminate if any of the following occur:

(a) The auction firm ceases to operate as a corporation.

(b) The auction firm changes ownership or there is any change in ownership.

(c) If the auction firm is a partnership, the firm changes the number of partners in the partnership or changes the partners comprising the partnership.

(d) The auction firm changes the firm manager.

(e) The auction firm changes the name under which the firm conducts business.

(f) The auction firm changes its permanent business location.

(7) If the applicant for a firm license maintains more than one (1) place of business within the state, the applicant shall apply for and obtain an additional firm license for each branch office.

(8) A firm license shall automatically be suspended if no licensed auctioneer is engaged in business therein. Such license may be reinstated by the

commission for the unexpired term upon proof that a duly licensed auctioneer has been affiliated with the firm.

(9) Any person in this state who for a fee is in the business of managing auctions to the extent such person is responsible for the advertising, consignments, promotion and/or distribution of funds must hold a valid firm license.

(10) In addition to the other requirements contained elsewhere in this chapter, the holder of an auction firm license shall comply with the following:

(a) Enter into a written contract with a licensed auctioneer to call bids prior to the start of any auction sale. A copy of such contract shall be maintained on the premises and available for inspection by the commission.

(b) The firm license and the license of its manager shall be conspicuously posted at the firm location.

(c) Maintain complete records of each sale held at the licensed premises which shall include, but shall not be limited to, consignment receipts, bidder registrations, final settlements with consignors and any other documents relevant to the conduct of the sale. These records shall be maintained for a period of one (1) year from the date of the sale.

(d) Maintain a file on all current and past employees of the auction firm for the previous year. Such file should contain the employee's name, last known address and social security number.

(e) Assume responsibility for all checks, drafts and other negotiable instruments tendered by buyers in payment for goods sold through the auction firm.

(f) Deposit all proceeds from auction sales into the licensee's escrow account and make all disbursements from such escrow account.

(g) The licensee shall make all of his records pertaining to the auction firm available to a member or employee of the commission for inspection upon demand.

SOURCES: Laws, 1995, ch. 405 § 14; Laws, 2009, ch. 476, § 7; reenacted without change, Laws, 2010, ch. 335, § 14; reenacted and amended, Laws, 2013, ch. 415, § 14, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment reenacted and amended the section by substituting "Employ" for "Employs" at the beginning of (3)(b).

§ 73-4-29. Filing of bonds by applicants for licenses; requirements for auctions of factory-built homes [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 15; Laws, 2009, ch. 476, § 8; reenacted without change, Laws, 2010, ch. 335, § 15; reenacted without change, Laws, 2013, ch. 415, § 15, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-31. Form, terms and conditions, and duration of bonds provided under chapter; liability on bonds; cancellation of bonds [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 16; reenacted without change, Laws, 2010, ch. 335, § 16; reenacted without change, Laws, 2013, ch. 415, § 16, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-33. Procedure for recovery on bonds; exclusivity of remedy [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 17; reenacted without change, Laws, 2010, ch. 335, § 17; reenacted without change, Laws, 2013, ch. 415, § 17, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-35. Standards governing performance of duties of auctioneers; accounting and payment of monies to owners or consignors of goods involved in auction [Repealed effective July 1, 2016].

(1) In performing the duties of an auctioneer, every auctioneer shall follow all reasonable requests of the owner or consignor of the goods being sold at the auction. Every auctioneer shall perform such auctioneer's duties so that the highest or most favorable offer made by a member of the audience is accepted, and shall otherwise perform such duties in accordance with the highest standards of the auctioneering profession.

(2)(a) Every licensee, within five (5) business days after the sale transaction, shall account to, or provide an accounting for, those persons who own or who are acting as consignor of goods which are the subject of an auction engaged in or conducted by such licensee or upon such licensee's premises.

(b) Every licensee, within five (5) business days after a sale of goods and at closing of the sale, shall pay over, or provide for the paying over of, all monies and proceeds due to the owner or consignor of goods which was the subject of an auction engaged in or conducted by such licensee or upon such licensee's premises.

SOURCES: Laws, 1995, ch. 405 § 18; reenacted without change, Laws, 2010, ch. 335, § 18; reenacted and amended, Laws, 2013, ch. 415, § 18, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment reenacted and amended the section by substituting “due to the owner or consignor” for “due to owner or consignor” in (2)(b).

§ 73-4-37. Recordkeeping requirements [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 19; reenacted without change, Laws, 2010, ch. 335, § 19; reenacted without change, Laws, 2013, ch. 415, § 19, eff from and after July 1, 2013.

Editor’s Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-39. Requirement of written contract for sale of goods; time period for retention of contract [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 20; Laws, 2009, ch. 476, § 9; reenacted without change, Laws, 2010, ch. 335, § 20; reenacted without change, Laws, 2013, ch. 415, § 20, eff from and after July 1, 2013.

Editor’s Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-41. Advertisement of auctions [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 21; Laws, 2009, ch. 476, § 10; reenacted without change, Laws, 2010, ch. 335, § 21; reenacted without change, Laws, 2013, ch. 415, § 21, eff from and after July 1, 2013.

Editor’s Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-43. Requirement of license; penalties for unlicensed conduct [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 22; Laws, 2009, ch. 476, § 11; reenacted without change, Laws, 2010, ch. 335, § 22; reenacted without change, Laws, 2013, ch. 415, § 22, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-45. Penalties for violations of chapter [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 23; reenacted without change, Laws, 2010, ch. 335, § 23; reenacted without change, Laws, 2013, ch. 415, § 23, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-47. Proceedings for injunctions [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 24; reenacted without change, Laws, 2010, ch. 335, § 24; reenacted without change, Laws, 2013, ch. 415, § 24, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-49. Charging of violations of chapter [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 25; reenacted without change, Laws, 2010, ch. 335, § 25; reenacted without change, Laws, 2013, ch. 415, § 25, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-51. Appropriations [Repealed effective July 1, 2016].

SOURCES: Laws, 1995, ch. 405 § 26; reenacted without change, Laws, 2010, ch. 335, § 26; reenacted without change, Laws, 2013, ch. 415, § 26, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 415, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-4-53. Repeal of Sections 73-4-1 through 73-4-51.

Sections 73-4-1 through 73-4-51 shall stand repealed from and after July 1, 2016.

SOURCES: Laws, 2009, ch. 476, § 13; reenacted and amended, Laws, 2010, ch. 335, § 27; Laws, 2013, ch. 415, § 27, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment extended the repealer provision from “July 1, 2013” to “July 1, 2016.”

CHAPTER 5

Barbers

SEC.
73-5-21. Persons having practiced barbering in another state or country or in military service [Repealed effective July 1, 2016].

§ 73-5-21. Persons having practiced barbering in another state or country or in military service [Repealed effective July 1, 2016].

Any person possessed of the following qualifications shall, upon payment of the required fee, receive a certificate of registration as a registered barber:

- (a) Is at least eighteen (18) years old;
- (b) Is of good moral character and temperate habits; and

(c) Either has a license or certificate of registration as a practicing barber in another state or country that has substantially the same requirements for licensing or registration of barbers as are contained in this chapter, or can prove by sworn affidavits that he has lawfully practiced as a barber in another state or country for at least five (5) years immediately before making application in this state, or can show to the satisfaction of the board that he had held a rating in a branch of the military service for two (2) or more years that required him to perform the duties of a barber. The issuance of a certificate of registration by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

In addition to the above, the board may require the applicant to successfully demonstrate sufficient knowledge of the Barber Law of the State of Mississippi, as well as sufficient practical skill by requiring the applicant to take a practical examination approved by the board.

SOURCES: Codes, 1930, § 3857; 1942, § 8735; Laws, 1930, ch. 131; Laws, 1932, ch. 118; Laws, 1982, ch. 450, § 6; reenacted, Laws, 1983, ch. 489, § 11; reenacted, Laws, 1991, ch. 508, § 12; reenacted without change, Laws, 1997, ch. 511, § 12; reenacted and amended, Laws, 2002, ch. 558, § 12; reenacted without change, Laws, 2004, ch. 309, § 12; reenacted without change, Laws, 2008, ch. 303, § 12; reenacted and amended, Laws, 2011, ch. 322, § 13; Laws, 2013, ch. 350, § 8, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence in (c).

CHAPTER 6

Chiropractors

SEC.

73-6-13. Qualifications of applicants for license; examination [Repealed effective July 1, 2016].

§ 73-6-13. Qualifications of applicants for license; examination [Repealed effective July 1, 2016].

(1) Any adult of good moral character who has (a) graduated from a school or college of chiropractic recognized by the State Board of Chiropractic Examiners, preceded by the successful completion of at least two (2) academic years at an accredited institution of higher learning, or accredited junior college, and (b) successfully completed parts 1, 2, 3 and 4 and the physical modality section of the examination prepared by the National Board of Chiropractic Examiners, shall be entitled to take the examination for a license to practice chiropractic in Mississippi. The State Board of Chiropractic Examiners shall keep on file a list of schools or colleges of chiropractic which are so recognized. No chiropractic school shall be approved unless it is recognized and approved by the Council on Chiropractic Education, its successor or an equivalent accrediting agency, offers an accredited course of study of not less than four (4) academic years of at least nine (9) months in length, and requires its graduates to receive not less than forty (40) clock hours of instruction in the operation of x-ray machinery and not less than forty (40) clock hours of instruction in x-ray interpretation and diagnosis.

(2) Except as otherwise provided in this section, the State Board of Health shall prescribe rules and regulations for the operation and use of x-ray machines.

(3) The examination to practice chiropractic used by the board shall consist of testing on the statutes and the rules and regulations regarding the practice of chiropractic in the State of Mississippi.

(4) Reciprocity privileges for a chiropractor from another state shall be granted at the board's option on an individual basis and by a majority vote of

the State Board of Chiropractic Examiners to an adult of good moral character who (a) is currently an active competent practitioner for at least eight (8) years and holds an active chiropractic license in another state with no disciplinary proceeding or unresolved complaint pending anywhere at the time a license is to be issued by this state, (b) demonstrates having obtained licensure as a chiropractor in another state under the same education requirements which were equivalent to the education requirements in this state to obtain a chiropractic license at the time the applicant obtained the license in the other state, (c) satisfactorily passes the examination administered by the State Board of Chiropractic Examiners, and (d) meets the requirements of Section 73-6-1(3) pertaining to therapeutic modalities. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1973, ch. 501, § 7; Laws, 1978, ch. 468, §§ 1, 2; reenacted and amended, Laws, 1983, ch. 448, § 7; Laws, 1991, ch. 350, § 7; reenacted and amended, Laws, 1997, ch. 428, § 7; Laws, 2002, ch. 439, § 1; reenacted and amended, Laws, 2006, ch. 515, § 7; reenacted and amended, Laws, 2011, ch. 323, § 7; Laws, 2013, ch. 350, § 9, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence of (4).

CHAPTER 7

Cosmetologists

General Provisions	73-7-1
Hair Braiding	73-7-71

GENERAL PROVISIONS

SEC.	
73-7-2.	Definitions [Repealed effective July 1, 2017].
73-7-7.	Powers of the board [Repealed effective July 1, 2017].
73-7-9.	Certificate of registration required [Repealed effective July 1, 2017].
73-7-11.	Display of license [Repealed effective July 1, 2017].
73-7-12.	Examinations [Repealed effective July 1, 2017].
73-7-13.	Admission requirements for examination; temporary permits; issuance of licenses; requirements for barbers to be licensed in cosmetology [Repealed effective July 1, 2017].
73-7-14.	Master cosmetologist, manicurist or esthetician license; continuing education requirements for license renewal [Repealed effective July 1, 2017].
73-7-15.	Licensing of instructors [Repealed effective July 1, 2017].
73-7-16.	Licensing of schools [Repealed effective July 1, 2017].
73-7-17.	Licensing of salons [Repealed effective July 1, 2017].
73-7-19.	Renewal of license; fees [Repealed effective July 1, 2017].
73-7-21.	Licensing of manicurists; requirements for manicurist to obtain cosmetology license [Repealed effective July 1, 2017].
73-7-23.	Reciprocity provisions [Repealed effective July 1, 2017].
73-7-27.	Filing, investigation and disposition of complaints against licensees;

revocation, suspension or refusal of licenses or certificates of registration; notice and hearing; rendition of written decision; appeal from decision of board; imposition of fines by board [Repealed effective July 1, 2017].

- 73-7-33. Sanitation rules and regulations [Repealed effective July 1, 2017].
- 73-7-35. Limitations on location of professional practice [Repealed effective July 1, 2017].
- 73-7-37. Penalty for violations of chapter; proceedings for orders enjoining violations or enforcing compliance with chapter; violations of court orders [Repealed effective July 1, 2017].
- 73-7-51 through 73-7-61. Repealed.
- 73-7-63. Repeal of Sections 73-7-1 through 73-7-37.

§ 73-7-1. State board of cosmetology; membership and appointment; salaries and expenses; notice of meetings [Repealed effective July 1, 2017].

SOURCES: Codes, 1942, § 8915-01; Laws, 1948, ch. 367, § 1; Laws, 1960, ch. 384, § 1; Laws, 1964, ch. 450, § 1; Laws, 1970, ch. 405.5, § 1; Laws, 1974, ch. 362, § 1; Laws, 1978, ch. 506, § 1; Laws, 1981, ch. 531, § 1; Laws, 1983, ch. 487, § 1; reenacted, Laws, 1991, ch. 553, § 1; Laws, 1992, ch. 502, § 8; reenacted, Laws, 1993, ch. 596, § 2; reenacted, Laws, 1995, ch. 383, § 1; reenacted and amended, Laws, 1997, ch. 513, § 1; reenacted without change, Laws, 2005, ch. 492, § 1; reenacted without change, Laws, 2010, ch. 487, § 1; reenacted without change, Laws, 2011, ch. 525, § 1; reenacted without change, Laws, 2013, ch. 523, § 1, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 523, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-7-2. Definitions [Repealed effective July 1, 2017].

As used in this chapter, the following terms shall have the meanings ascribed herein unless the context otherwise requires:

- (a) "Board" means the State Board of Cosmetology.
- (b) "Cosmetology" means any one (1) or a combination of the following practices if they are performed on a person's head, face, neck, shoulder, arms, hands, legs or feet for cosmetic purposes:
 - (i) Cutting, clipping or trimming hair and hair pieces.
 - (ii) Styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, bleaching, tinting, coloring or similarly treating hair and hair pieces.
 - (iii) Cleansing, stimulating, manipulating, beautifying or applying oils, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical apparatus.
 - (iv) Arching eyebrows, to include tweezing, waxing, threading or any other methods of epilation, or tinting eyebrows and eyelashes.
 - (v) Removing superfluous hair by the use of depilation.

(vi) Manicuring and pedicuring.

(c) “Cosmetologist” means a person who for compensation, whether direct or indirect, engages in the practice of cosmetology.

(d) “Esthetics” means any one (1) or a combination of the following practices:

(i) Massaging the face or neck of a person.

(ii) Arching eyebrows to include trimming, tweezing, waxing, threading or any other method of epilation or tinting eyebrows and eyelashes.

(iii) Tinting eyelashes or eyebrows.

(iv) Waxing, stimulating, cleaning or beautifying the face, neck, arms or legs of a person by any method with the aid of the hands or any mechanical or electrical apparatus, or by the use of a cosmetic preparation.

The term “esthetics” shall not include the diagnosis, treatment or therapy of any dermatological condition.

(e) “Esthetician” means any person who, for compensation, either direct or indirect, engages in the practice of esthetics.

(f) “Instructor” means a person licensed to teach cosmetology, or manicuring and pedicuring, or esthetics, or all of those, pursuant to this chapter, and shall include those persons engaged in the instruction of student instructors.

(g) “Manicuring and pedicuring” means any one (1) or a combination of the following practices:

(i) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating a person’s nails.

(ii) Applying artificial nails.

(iii) Massaging or cleaning a person’s hands, arms, legs or feet.

(h) “Manicurist” means a person who for compensation, either direct or indirect, engages in the practice of manicuring and pedicuring.

(i) “Master” means a person holding a cosmetology, manicuring and esthetics license who has completed the minimum course of continuing education prescribed by Section 73-7-14.

(j) “Salon” means an establishment operated for the purpose of engaging in the practice of cosmetology, or manicuring and pedicuring, or esthetics, or wigology, or all of those.

(k) “School” means an establishment, public or private, operated for the purpose of teaching cosmetology, or manicuring and pedicuring, or esthetics, or wigology, or all of those.

SOURCES: Laws, 1987, ch. 516, § 1; reenacted, Laws, 1991, ch. 553, § 2; reenacted, Laws, 1993, ch. 596, § 3; reenacted, Laws, 1995, ch. 383, § 2; reenacted without change, Laws, 1997, ch. 513, § 2; reenacted without change, Laws, 2005, ch. 492, § 2; reenacted without change, Laws, 2010, ch. 487, § 2; reenacted without change, Laws, 2011, ch. 525, § 2; Laws, 2013, ch. 523, § 2, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added “and hair pieces” at the end of (b)(i) and (ii); inserted “to include tweezing, waxing, threading or any other methods of

epilation” in (b)(iv); substituted “depilation” for “depilatories” in (b)(v); rewrote (d)(ii), which read “Trimming eyebrows”; in (f), deleted “or wigology” preceding “or all of those”; in (i), substituted “Master” for “Master cosmetologist” and inserted “manicuring and esthetics”; deleted former (l) and (m), which defined “Wigology” and “Wig specialist.”

§ 73-7-3. Employees; location of offices; compensation [Repealed effective July 1, 2017].

SOURCES: Codes, 1942, § 8915-02; Laws, 1948, ch. 367, § 2; Laws, 1952, ch. 322; Laws, 1960, ch. 384, § 2; Laws, 1964, ch. 450, § 2; Laws, 1970, ch. 405.5, § 2; Laws, 1974, ch. 363; reenacted, Laws, 1983, ch. 487, § 2; reenacted, Laws, 1991, ch. 553, § 3; Laws, 1992, ch. 502, § 9; reenacted, Laws, 1993, ch. 596, § 4; reenacted, Laws, 1995, ch. 383, § 3; reenacted and amended, Laws, 1997, ch. 513, § 3; Laws, 2000, ch. 485, § 1; reenacted without change, Laws, 2005, ch. 492, § 3; reenacted without change, Laws, 2010, ch. 487, § 3; reenacted without change, Laws, 2011, ch. 525, § 3; reenacted without change, Laws, 2013, ch. 523, § 3, eff from and after July 1, 2013.

Editor’s Note — This section was reenacted without change by Chapter 523, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-7-5. Money received by board to be deposited in special fund; regulation of fund; audit; suspension of board members [Repealed effective July 1, 2017].

SOURCES: Codes, 1942, § 8915-03; Laws, 1948, ch. 367, § 3; Laws, 1964, ch. 450; Laws, 1983, ch. 487, § 3; reenacted, Laws, 1991, ch. 553, § 4; Laws, 1992, ch. 502, § 2; reenacted, Laws, 1993, ch. 596, § 5; reenacted, Laws, 1995, ch. 383, § 4; reenacted without change, Laws, 1997, ch. 513, § 4; reenacted without change, Laws, 2005, ch. 492, § 4; reenacted without change, Laws, 2010, ch. 487, § 4; reenacted without change, Laws, 2011, ch. 525, § 4; reenacted without change, Laws, 2013, ch. 523, § 4, eff from and after July 1, 2013.

Editor’s Note — This section was reenacted without change by Chapter 523, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-7-7. Powers of the board [Repealed effective July 1, 2017].

(1) The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter. The board shall set up a curriculum for operation of schools of cosmetology and the other professions it is charged to regulate in this state. The board shall receive and consider for adoption recommendations for rules and regulations, school curriculum, and related matters from the Mississippi Cosmetology Council,

whose membership shall consist of, in addition to the board members, five (5) elected delegates from the Mississippi Cosmetology Association, five (5) elected delegates from the Mississippi Cosmetology School Association, five (5) elected delegates from the Mississippi Independent Beauticians Association, and five (5) elected delegates from the School Owners and Teachers Association. The board may revoke the license of any cosmetologist, esthetician, manicurist, instructor, school of cosmetology, or salon, or may refuse to issue a license to any cosmetologist, esthetician, manicurist, instructor, school of cosmetology, or salon that fails or refuses to comply with the provisions of this chapter and the rules and regulations of the board in carrying out the provisions of this chapter.

(2) The board shall have authority to prescribe reasonable rules and regulations governing sanitation of schools of cosmetology and beauty salons for the guidance of persons licensed under this chapter in the operation of schools of cosmetology, or a beauty salon, and in the practice of cosmetology, esthetics, manicuring and pedicuring, and wigology. However, any and all rules and regulations relating to sanitation shall, before adoption by the board, have the written approval of the State Board of Health. When the board has reason to believe that any of the provisions of this chapter or of the rules and regulations of the board have been violated, either upon receipt of a written complaint alleging such violations or upon the board's own initiative, the board, or any of its authorized agents, shall investigate same and shall have authority to enter upon the premises of a school of cosmetology or salon at any time during the regular business hours of that school or salon to conduct the investigation. Such investigation may include, but not be limited to, conducting oral interviews with the complaining party, school or salon owner(s) and/or students of the school, and reviewing records of the school or salon pertinent to the complaint and related to an area subject to the authority of the board. Such investigation shall not include written interviews or surveys of school employees or students, and the privacy of patrons shall be respected by any person making such investigation.

(3) On or before July 1, 2001, the board shall adopt regulations to ensure that all fingernail service products used by licensed cosmetologists, manicurists and other licensees do not contain methyl methacrylate (MMA) as a monomer agent for cosmetic nail applications.

(4) If the board finds that a violation of the provisions of this chapter or the rules and regulations of the board has occurred, it may cause a hearing to be held as set forth in Section 73-7-27.

SOURCES: Codes, 1942, § 8915-04; Laws, 1948, ch. 367, § 4; Laws, 1964, ch. 450, § 4; Laws, 1978, ch. 506, § 2; Laws, 1982, ch. 448, § 1; reenacted, Laws, 1983, ch. 483, § 4; Laws, 1987, ch. 516, § 2; reenacted, Laws, 1991, ch. 553, § 5; reenacted, Laws, 1993, ch. 596, § 6; reenacted, Laws, 1995, ch. 383, § 5; reenacted and amended, Laws, 1997, ch. 513, § 5; Laws, 2000, ch. 485, § 2; reenacted without change, Laws, 2005, ch. 492, § 5; reenacted without change, Laws, 2010, ch. 487, § 5; reenacted without change, Laws, 2011, ch. 525, § 5; Laws, 2013, ch. 523, § 5, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment inserted the subsection (1) through (4) designations and in (1), substituted “Mississippi Cosmetology Association” for “Mississippi Hairdressers and Cosmetologists Association” in the third sentence, and twice deleted “wig specialist” preceding “instructor” in the last sentence.

§ 73-7-9. Certificate of registration required [Repealed effective July 1, 2017].

No person required by this chapter to have a license shall conduct a beauty salon or school of cosmetology, or practice cosmetology, esthetics, manicuring and pedicuring, or practice as an instructor, unless such person has received a license or temporary permit therefor from the board. Students determined to have violated any of these rules or regulations prior to being licensed by the board shall be subject to the same discipline by the board as licensees. They may be disciplined and fined accordingly.

SOURCES: Codes, 1942, § 8915-05; Laws, 1948, ch. 367, § 5; Laws, 1964, ch. 450, § 5; reenacted, Laws, 1983, ch. 487, § 5; Laws, 1987, ch. 516, § 3; reenacted, Laws, 1991, ch. 553, § 6; reenacted, Laws, 1993, ch. 596, § 7; reenacted, Laws, 1995, ch. 383, § 6; reenacted and amended, Laws, 1997, ch. 513, § 6; reenacted without change, Laws, 2005, ch. 492, § 6; reenacted without change, Laws, 2010, ch. 487, § 6; reenacted without change, Laws, 2011, ch. 525, § 6; Laws, 2013, ch. 523, § 6, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment deleted “or wigology” following “manicuring and pedicuring” in the first sentence.

§ 73-7-11. Display of license [Repealed effective July 1, 2017].

Each owner of a license issued by the board under the provisions of this chapter shall display the license in a conspicuous place in his or her principal office, place of business or employment, at all times.

Each license shall contain a head photograph of the license holder, the person’s name, and the type of license held by the person. The requirements of this section shall apply at the time of issuance of a new license or at the time of renewal of an existing license.

SOURCES: Codes, 1942, § 8915-06; Laws, 1948, ch. 367, § 6; reenacted without change, Laws, 1983, ch. 487, § 6; reenacted, Laws, 1991, ch. 553, § 7; reenacted, Laws, 1993, ch. 596, § 8; reenacted, Laws, 1995, ch. 383, § 7; reenacted without change, Laws, 1997, ch. 513, § 7; reenacted without change, Laws, 2005, ch. 492, § 7; reenacted without change, Laws, 2010, ch. 487, § 7; reenacted without change, Laws, 2011, ch. 525, § 7; Laws, 2013, ch. 523, § 7; reenacted without change, Laws, 2013, ch. 542, § 1, eff from and after July 1, 2013.

Joint Legislative Committee Note — Section 7 of ch. 523, Laws of 2013, effective from and after July 1, 2013 (approved April 23, 2013), reenacted this section without change. Section 1 of ch. 542, Laws of 2013, effective from and after July 1, 2013 (approved April 25, 2013), amended this section. As set out above, this section reflects the language of Section 1 of ch. 542, Laws of 2013, which contains language that specifically provides that it supersedes § 73-7-11 as reenacted by ch. 523, Laws of 2013.

Amendment Notes — The first 2013 amendment (ch. 523), reenacted the section without change.

The second 2013 amendment (ch. 542), rewrote the first paragraph, which read “Each owner of registration issued by the state board, pursuant to the provisions of this chapter, shall display said certificate of registration in a conspicuous place in his or her principal office, place of business or employment, at all times” and added the second paragraph.

§ 73-7-12. Examinations [Repealed effective July 1, 2017].

The State Board of Cosmetology shall contract with a recognized testing service to conduct examinations for cosmetologists, estheticians, manicurists and instructors at such times and locations as determined by the contracted testing service. No member of the board shall be authorized to personally administer the examinations.

SOURCES: Laws, 1987, ch. 516, § 4; reenacted, Laws, 1991, ch. 553, § 8; reenacted, Laws, 1993, ch. 596, § 9; reenacted, Laws, 1995, ch. 383, § 8; reenacted without change, Laws, 1997, ch. 513, § 8; reenacted without change, Laws, 2005, ch. 492, § 8; reenacted without change, Laws, 2010, ch. 487, § 8; reenacted and amended, Laws, 2011, ch. 525, § 8; Laws, 2013, ch. 523, § 8, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment deleted “wig specialists” following “estheticians, manicurists” in the first sentence.

§ 73-7-13. Admission requirements for examination; temporary permits; issuance of licenses; requirements for barbers to be licensed in cosmetology [Repealed effective July 1, 2017].

(1) The board shall admit to examination for a cosmetology license any person who has made application to the board in proper form, has paid the required fee, and who (a) is at least seventeen (17) years of age, (b) can read, write and speak English, (c) has successfully completed no less than fifteen hundred (1500) hours over a period of no less than nine (9) months in an accredited school of cosmetology, and (d) has a high school education or its equivalent.

(a) The board may, in its discretion, issue to any student who has completed the prescribed hours in a licensed school and paid the required fee a temporary permit until such time as the next examination may be held, but such student shall be issued only one (1) temporary permit. Application for an examination and license shall be accompanied by two (2) passport photographs of the applicant. No temporary permit will be issued an applicant from any other state to operate a beauty salon or school of cosmetology in this state unless in case of emergency.

(b) Applicants for the cosmetologist examination, after having satisfactorily passed the prescribed examination, shall be issued a cosmetology license which until June 30, 2001, shall be valid for one (1) year, and after

July 1, 2001, shall be valid for two (2) years, and all those licenses shall be subject to renewal.

(c) Any barber who can read, write and speak English and has successfully completed no less than fifteen hundred (1500) hours in an accredited barber school, and who holds a current valid certificate of registration to practice barbering and who holds a current valid license, is eligible to take the cosmetology examination to secure a cosmetology license upon successfully completing five hundred (500) hours in an accredited school of cosmetology. All fees for application, examination, registration and renewal thereof shall be the same as provided for cosmetologists.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

(3) Any licensed cosmetologist, esthetician, or manicurist who is registered but not actively practicing in the State of Mississippi at the time of making application for renewal, may apply for registration on the "inactive" list. Such "inactive" list shall be maintained by the board and shall set out the names and post office addresses of all persons registered but not actively practicing in this state, arranged alphabetically by name and also by the municipalities and states of their last-known professional or residential address. Only the cosmetologists, estheticians and manicurists registered on the appropriate list as actively practicing in the State of Mississippi shall be authorized to practice those professions. For the purpose of this section, any licensed cosmetologist, esthetician or manicurist who has actively practiced his or her profession for at least three (3) months of the immediately preceding license renewal period shall be considered in active practice. No cosmetologist, esthetician, or manicurist shall be registered on the "inactive" list until the person has furnished a statement of intent to take such action to the board. Any licensed cosmetologist, esthetician, manicurist or wigologist registered on the "inactive" list shall not be eligible for registration on the active list until either of the following conditions have been satisfied:

(a) Written application shall be submitted to the State Board of Cosmetology stating the reasons for such inactivity and setting forth such other information as the board may require on an individual basis and completion of the number of clock hours of continuing education as approved by the board; or

(b) Evidence to the satisfaction of the board shall be submitted that they have actively practiced their profession in good standing in another state and have not been guilty of conduct that would warrant suspension or revocation as provided by applicable law; and

(c) Payment of the fee for processing such inactive license shall be paid biennially in accordance to board rules.

SOURCES: Codes, 1942, § 8915-07; Laws, 1948, ch. 367, § 7; Laws, 1960, ch. 384, § 3; Laws, 1964, ch. 450, § 6; Laws, 1982, ch. 448, § 2; reenacted, Laws, 1983, ch. 487, § 7; Laws, 1987, ch. 516, § 5; Laws, 1988, ch. 537, § 1; reenacted, Laws, 1991, ch. 553, § 9; Laws, 1993, ch. 596, § 10; reenacted, Laws, 1995, ch. 383, § 9; reenacted without change, Laws, 1997, ch. 513, § 9; Laws, 1997, ch.

588, § 29; Laws, 2000, ch. 485, § 3; reenacted without change, Laws, 2005, ch. 492, § 9; reenacted without change, Laws, 2010, ch. 487, § 9; reenacted without change, Laws, 2011, ch. 525, § 9; Laws, 2013, ch. 523, § 9, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment in (1), inserted the subdivision (a) through (b) designations and in (a), substituted “in a licensed school and paid the required fee” for “in an accredited school in Mississippi” in the first sentence and substituted “passport” for “recent head” in the second sentence; in (3), deleted “or wigologist” following “manicurist” in the first sentence, substituted “and manicurists registered” for “manicurist or wigologist shall be registered” in the third sentence, substituted “esthetician or manicurist” for “esthetician, manicurist or wigologist” in the fourth and fifth sentences; and added “shall be paid biennially in accordance to board rules” to the end of (3)(c).

§ 73-7-14. Master cosmetologist, manicurist or esthetician license; continuing education requirements for license renewal [Repealed effective July 1, 2017].

(1) Any person who holds a current, valid cosmetology, manicuring or esthetics license may be licensed as a master cosmetologist, manicurist or esthetician if he or she has been a licensed cosmetologist, manicurist or esthetician in this state for a period of not less than twelve (12) months, and has completed a minimum course of sixteen (16) hours' study in continuing education approved by the board within the licensing period preceding initial application for the license, and has paid the original license fee. Master cosmetologist, manicurist or esthetician licenses shall be renewable upon completion of a minimum course of eight (8) hours' study in continuing education approved by the board within a licensing period and payment of the required renewal fee. This is an optional license and persons who do not wish to complete the continuing education requirement may obtain a cosmetology license when renewing their license.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SOURCES: Laws, 1987, ch. 516, § 6; reenacted, Laws, 1991, ch. 553, § 10; reenacted, Laws, 1993, ch. 596, § 11; reenacted, Laws, 1995, ch. 383, § 10; reenacted without change, Laws, 1997, ch. 513, § 10; Laws, 1997, ch. 588, § 30; reenacted without change, Laws, 2005, ch. 492, § 10; reenacted without change, Laws, 2010, ch. 487, § 10; reenacted without change, Laws, 2011, ch. 525, § 10; Laws, 2013, ch. 523, § 10, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment in (1), inserted “manicuring or esthetics” following “valid cosmetology”, “manicurist or esthetician” following “cosmetologist” in the first sentence, inserted “manicurist or esthetician” after “Master cosmetologist” in the second sentence; and designated former undesignated paragraphs as (1) and (2).

§ 73-7-15. Licensing of instructors [Repealed effective July 1, 2017].

(1) The board shall admit to examination for a cosmetology instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

- (a) Is not less than twenty-one (21) years of age;
- (b) Can read, write and speak English;
- (c) Is a graduate of an accredited cosmetology school;
- (d) Has a high school education or its equivalent;
- (e) Has successfully completed seven hundred fifty (750) hours of instructor training in an accredited school of cosmetology;
- (f) Has successfully completed twelve (12) semester hours in college courses approved by the board;
- (g) Holds a current, valid Mississippi cosmetology license; and
- (h) Has at least two (2) years' active practical experience as a cosmetologist or, as an alternative to such experience, has successfully completed two thousand (2,000) hours of instructor training in an accredited school of cosmetology.

(2) The board shall admit to examination for an esthetics instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

- (a) Is not less than twenty-one (21) years of age;
- (b) Can read, write and speak English;
- (c) Has a high school education or its equivalent;
- (d) Has successfully completed six hundred (600) hours of instructor training in an accredited school in which the practice of esthetics is taught;
- (e) Has successfully completed twelve (12) semester hours in college courses approved by the board;
- (f) Holds a current, valid Mississippi esthetician's license; and
- (g) Has had two (2) years of active practical experience as an esthetician or, as an alternative to such experience, has successfully completed one thousand (1,000) hours of instructor training in an accredited school in which the practice of esthetics is taught.

(3) The board shall admit to examination for a manicurist instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

- (a) Is not less than twenty-one (21) years of age;
- (b) Can read, write and speak English;
- (c) Has a high school education or its equivalent;
- (d) Has successfully completed six hundred (600) hours of instructor training in an accredited school in which the practice of manicuring is taught;
- (e) Has successfully completed twelve (12) semester hours in college courses approved by the board;
- (f) Holds a current, valid Mississippi manicurist's license; and

(g) Has had two (2) years of active practical experience as a manicurist or, as an alternative to such experience, has successfully completed one thousand (1,000) hours of instructor training in an accredited school in which the practice of manicuring is taught.

(4) Applicants shall satisfactorily pass the examination prescribed by the board for licensing instructors prior to the issuance of the licenses provided for in this section. However, the board may, in its discretion, issue a temporary instructor's permit until such time as the next examination may be held, but such applicant shall be issued only one (1) temporary permit. All applications for an instructor's examination shall be accompanied by two (2) recent head photographs of the applicant.

(5) All instructors licensed pursuant to this section shall biennially obtain twenty-four (24) clock hours of continuing education in teacher training instruction in cosmetology or esthetics or manicuring, as the case may be, as approved by the board. Any instructor who fails to obtain the continuing education required by this subsection shall not be allowed to instruct nor enroll students under his or her license until such education requirement has been met. The board may issue an inactive instructor's license to such instructors, and an inactive license may be converted into an active license after proof satisfactory to the board of completion of at least twenty-four (24) clock hours of approved continuing education required for teacher training instruction.

(6) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Codes, 1942, § 8915-08; Laws, 1948, ch. 367, § 8; Laws, 1960, ch. 384, § 4; Laws, 1964, ch. 450, § 7; Laws, 1979, ch. 444, § 1; Laws, 1982, ch. 448, § 2; Laws, 1983, ch. 487, § 8; Laws, 1987, ch. 516, § 7; reenacted, Laws, 1991, ch. 553, § 11; reenacted, Laws, 1993, ch. 596, § 11; reenacted, Laws, 1995, ch. 383, § 11; reenacted and amended, Laws, 1997, ch. 513, § 11; Laws, 1997, ch. 588, § 31; Laws, 2000, ch. 485, § 4; reenacted without change, Laws, 2005, ch. 492, § 11; reenacted without change, Laws, 2010, ch. 487, § 11; reenacted without change, Laws, 2011, ch. 525, § 11; Laws, 2013, ch. 523, § 11, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment deleted “licensed” preceding “cosmetologist or, as an alternative” in (1)(h).

§ 73-7-16. Licensing of schools [Repealed effective July 1, 2017].

(1) All schools of cosmetology or school owners shall have a school license and shall pay to the board the required license fee biennially therefor. A grace period of sixty (60) days will be given in which to renew the license, and upon the expiration of the grace period of sixty (60) days, any applicant for the renewal of a school license will be required to pay a delinquent fee in addition to the renewal fee. The board is hereby authorized and empowered to promulgate necessary and reasonable rules and regulations for the issuance and renewal of school licenses. However, the board shall not refuse to issue or renew a school's license because of the number of schools already in that area

of the state, and any rule promulgated by the board for that purpose shall be null and void.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

(3) The board shall require all schools of cosmetology to only admit students who met minimum competencies on an acceptable aptitude test unless enrolled in a high school cosmetology program.

SOURCES: Laws, 1987, ch. 516, § 8; reenacted, Laws, 1991, ch. 553, § 12; reenacted, Laws, 1993, ch. 596, § 12; reenacted, Laws, 1995, ch. 383, § 12; reenacted without change, Laws, 1997, ch. 513, § 12; Laws, 1997, ch. 588, § 32; reenacted without change, Laws, 2005, ch. 492, § 12; reenacted without change, Laws, 2010, ch. 487, § 12; Laws, 2010, ch. 507, § 2; Laws, 2011, ch. 371, § 1; reenacted and amended, Laws, 2011, ch. 525, § 12; Laws, 2013, ch. 523, § 12, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment inserted subsection designations (1) through (3), substituted “biennially” for “annually” preceding “therefor” at the end of the first sentence in (1); deleted “Mississippi Code of 1972” from the end of (2); and rewrote (3).

§ 73-7-17. Licensing of salons [Repealed effective July 1, 2017].

(1) All salon owners shall have a salon license and shall pay to the board the required license fee therefor and pay the required renewal fee for renewal thereof. A grace period of sixty (60) days will be given in which to renew the license, and upon the expiration of the grace period of sixty (60) days any applicant for the renewal of a salon license will be required to pay a delinquent fee in addition to the renewal fee. A salon license that has been expired for over one (1) year is nonrenewable and requires a new application. Prior to the initial issuance of such license, the board shall inspect the premises to determine if same qualifies with the law, upon payment by the applicant of the required inspection fee.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SOURCES: Codes, 1942, § 8915-09; Laws, 1948, ch. 367, § 9; Laws, 1960, ch. 384, § 5; Laws, 1964, ch. 450, § 8; Laws, 1979, ch. 444, § 2; reenacted, Laws, 1983, ch. 487, § 9; Laws, 1987, ch. 516, § 9; reenacted, Laws, 1991, ch. 553, § 13; reenacted, Laws, 1993, ch. 596, § 12; reenacted, Laws, 1995, ch. 383, § 13; reenacted without change, Laws, 1997, ch. 513, § 13; Laws, 1997, ch. 588, § 33; reenacted without change, Laws, 2005, ch. 492, § 13; reenacted without change, Laws, 2010, ch. 487, § 13; reenacted without change, Laws, 2011, ch. 525, § 13; Laws, 2013, ch. 523, § 13, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment inserted the subsection (1) and (2) designations and added the third sentence in (1).

§ 73-7-18. Licensing of estheticians [Repealed effective July 1, 2017].

SOURCES: Laws, 1987, ch. 516, § 10; reenacted, Laws, 1991, ch. 553, § 14; Laws, 1993, ch. 596, § 13; reenacted, Laws, 1995, ch. 383, § 14; reenacted without change, Laws, 1997, ch. 513, § 14; Laws, 1997, ch. 588, § 34; reenacted without change, Laws, 2005, ch. 492, § 14; reenacted without change, Laws, 2010, ch. 487, § 14; reenacted without change, Laws, 2011, ch. 525, § 14; reenacted without change, Laws, 2013, ch. 523, § 14, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 523, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-7-19. Renewal of license; fees [Repealed effective July 1, 2017].

(1) Except as provided in Section 33-1-39, all licenses shall be renewed biennially under the fee schedule in Section 73-7-29. Applications for renewal of licenses for cosmetologists, estheticians, manicurists and instructors must be accompanied by the required renewal fee. A grace period of sixty (60) days will be given in which to renew the license; and upon the expiration of the grace period of sixty (60) days, any applicant for the renewal of a license will be required to pay the required renewal fee and a delinquent fee in addition to the renewal fee. The fees may be paid by either personal or certified check, cash or money order, under such safeguards, rules and regulations as the board may prescribe. Checks returned to the board because of insufficient funds shall result in nonrenewal of the license, which will require the penalty fee for insufficient fund checks plus all other amounts due for renewal of the license before the license may be renewed. After one (1) year has passed from the expiration date of the license, a delinquent fee must be paid for each year up to three (3) years, after which the required examination must be taken. All applications for examination required by this chapter shall expire ninety (90) days from the date thereof.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Codes, 1942, § 8915-10; Laws, 1948, ch. 367, § 10; Laws, 1964, ch. 450, § 9; Laws, 1979, ch. 444, § 3; Laws, 1982, chs. 330, 448, § 4; Laws, 1983, ch. 487, § 10; Laws, 1987, ch. 516, § 11; reenacted, Laws, 1991, ch. 553, § 15; reenacted, Laws, 1993, ch. 596, § 14; reenacted, Laws, 1995, ch. 383, § 15; reenacted without change, Laws, 1997, ch. 513, § 15; Laws, 1997, ch. 588, § 35; Laws, 2000, ch. 485, § 5; reenacted without change, Laws, 2005, ch. 492, § 15; Laws, 2007, ch. 309, § 8; reenacted without change, Laws, 2010, ch. 487, § 15; reenacted without change, Laws, 2011, ch. 525, § 15; Laws, 2013, ch. 523, § 15, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment redesignated former undesignated paragraphs (1) and (2) and deleted “wig specialists” preceding “and instructors” in the second sentence of (1).

§ 73-7-21. Licensing of manicurists; requirements for manicurist to obtain cosmetology license [Repealed effective July 1, 2017].

(1) The board shall admit to examination for a manicurist’s license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is at least seventeen (17) years of age;

(b) Can read, write and speak English;

(c) Has successfully completed no less than three hundred fifty (350) hours of practice and related theory in manicuring and pedicuring over a period of no less than nine (9) weeks in an accredited school of cosmetology in this or any other state; and

(d) Has a high school education or its equivalent.

(2) Licensed manicurists desiring to pursue additional hours to be eligible for a license as a cosmetologist may be credited with the three hundred fifty (350) hours acquired in studying and training to be a manicurist which may be applied to the number of hours required for a cosmetology license examination.

(3) The board shall adopt regulations governing the use of electric nail files for the purpose of filing false or natural nails.

(4) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Codes, 1942, § 8915-11; Laws, 1948, ch. 367, § 11; Laws, 1964, ch. 450, § 10; reenacted without change, Laws, 1983, ch. 487, § 11; Laws, 1987, ch. 516, § 12; reenacted, Laws, 1991, ch. 553, § 16; Laws, 1993, ch. 596, § 15; reenacted, Laws, 1995, ch. 383, § 16; reenacted and amended, Laws, 1997, ch. 513, § 16; Laws, 1997, ch. 588, § 36; Laws, 2000, ch. 485, § 6; reenacted without change, Laws, 2005, ch. 492, § 16; reenacted and amended, Laws, 2010, ch. 487, § 16; reenacted without change, Laws, 2011, ch. 525, § 16; Laws, 2013, ch. 523, § 16, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment redesignated former undesignated paragraphs as (1) through (4); substituted “electric nail files” for “power drills” and “nails” for “fingernails” in (3).

§ 73-7-23. Reciprocity provisions [Repealed effective July 1, 2017].

(1) The board may, upon application, issue a license by reciprocity to any cosmetologist, esthetician or manicurist over the age of seventeen (17) years from any other state who has satisfactorily completed the required number of accredited hours in that state, provided the state board from which the applicant comes issues to cosmetologists, estheticians or manicurists, as the case may be, from the State of Mississippi a license under the same conditions.

Applications must be accompanied by (a) proof satisfactory to the board that the required hours have been completed, and (b) the required reciprocity fee, which shall be paid to the board.

(2) An instructor from any other state may be qualified for a Mississippi instructor's license upon presenting a valid instructor's license and proof of a high school education or its equivalent, provided that the instructor (a) is not less than twenty-one (21) years of age, (b) has completed training equivalent to the State of Mississippi's training as provided in Section 73-7-15 or has three (3) years or more of experience as a licensed instructor prior to application, (c) can read, write and speak English, (d) has completed twelve (12) semester hours in college courses approved by the board, and (e) has completed a minimum of five (5) continuing education hours in Mississippi board laws, rules and regulations. Such application must be accompanied by two (2) recent passport photographs of the applicant. Applicants shall pay the required license fee.

(3) An applicant for a Mississippi instructor's license by reciprocity who has not completed the college courses requirement at the time of application may apply for a one-time temporary teaching permit, which shall be valid for six (6) months and shall be nonrenewable. Such application must be accompanied by proof of enrollment in college course(s), required permit fee, two (2) recent passport photographs of the applicant and other documentation as required for application for a Mississippi instructor's license by reciprocity. Upon proof of completion of college courses and payment of the required license fee, a Mississippi instructor's license shall be issued.

(4) The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, 1942, § 8915-12; Laws, 1948, ch. 367, § 12; Laws, 1960, ch. 384, § 6; Laws, 1964, ch. 450, § 11; Laws, 1979, ch. 444, § 4; Laws, 1982, ch. 448, § 5; reenacted, Laws, 1983, ch. 487, § 12; Laws, 1986, ch. 344; Laws, 1987, ch. 516, § 13; reenacted, Laws, 1991, ch. 553, § 17; reenacted, Laws, 1993, ch. 596, § 16; reenacted, 1995, ch. 383, § 17; reenacted and amended, Laws, 1997, ch. 513, § 17; reenacted without change, Laws, 2005, ch. 492, § 17; reenacted without change, Laws, 2010, ch. 487, § 17; reenacted without change, Laws, 2011, ch. 525, § 17; Laws, 2013, ch. 350, § 10; Laws, 2013, ch. 523, § 17, eff from and after July 1, 2013.

Joint Legislative Committee Note — Section 10 of ch. 350, Laws of 2013, effective from and after July 1, 2013 (approved March 18, 2013), amended this section. Section 17 of ch. 523, Laws of 2013, effective from and after July 1, 2013 (approved April 23, 2013), also amended this section. As set out above, this section reflects the language of Section 17 of ch. 523, Laws of 2013, which contains language that specifically provides that it supersedes § 73-7-23 as amended by ch. 350, Laws of 2013.

Amendment Notes — The first 2013 amendment (ch. 350), added the last paragraph.

The second 2013 amendment (ch. 523), deleted "or wigologists" twice in (1), following "manicurists" in the first sentence; in (2), substituted "a Mississippi instructor's license" for "instructor's examination," added (a) and (e) and redesignated remaining phrases accordingly, and substituted "completed training equivalent to the State of Mississippi's training as provided in Section 73-7-15 or has"; added (3); and made minor stylistic changes.

§ 73-7-25. Demonstrator's permit [Repealed effective July 1, 2017].

SOURCES: Codes, 1942, § 8915-13; Laws, 1948, ch. 367, § 13; Laws, 1964, ch. 450, § 12; Laws, 1979, ch. 444, § 5; Laws, 1982, ch. 448, § 6; reenacted, Laws, 1983, ch. 487, § 13; Laws, 1987, ch. 516, § 14; reenacted, Laws, 1991, ch. 553, § 18; reenacted, Laws, 1993, ch. 596, § 17; reenacted, Laws, 1995, ch. 383, § 18; reenacted and amended, Laws, 1997, ch. 513, § 18; reenacted without change, Laws, 2005, ch. 492, § 18; reenacted without change, Laws, 2010, ch. 487, § 18; reenacted without change, Laws, 2011, ch. 525, § 18; reenacted without change, Laws, 2013, ch. 523, § 18, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 523, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-7-27. Filing, investigation and disposition of complaints against licensees; revocation, suspension or refusal of licenses or certificates of registration; notice and hearing; rendition of written decision; appeal from from decision of board; imposition of fines by board [Repealed effective July 1, 2017].

(1) Any complaint may be filed with the board by a member or agent of the board or by any person charging any licensee of the board with the commission of any of the offenses enumerated in subsection (2) of this section. Such complaint shall be in writing, signed by the accuser or accusers, and verified under oath, and such complaints shall be investigated as set forth in Section 73-7-7. If, after the investigation, the board through its administrative review agents determines that there is not substantial justification to believe that the accused licensee has committed any of the offenses enumerated, it may dismiss the complaint or may prepare a formal complaint proceeding against the licensee as hereinafter provided. When used with reference to any complaint filed against a licensee herein, the term "not substantial justification" means a complaint that is frivolous, groundless in fact or law, or vexatious, as determined by unanimous vote of the board. In the event of a dismissal, the person filing the accusation and the accused licensee shall be given written notice of the board's determination. If the board determines there is reasonable cause to believe the accused has committed any of those offenses, the secretary of the board shall give written notice of such determination to the accused licensee and set a day for a hearing as provided in subsection (3) of this section.

(2) The board shall have the power to revoke, suspend or refuse to issue or renew any license or certificate provided for in this chapter, and to fine, place on probation and/or otherwise discipline a student or licensee or holder of a certificate, upon proof that such person: (a) has not complied with or has violated any of the rules and regulations promulgated by the board; (b) has not

complied with or has violated any of the sections of this chapter; (c) has committed fraud or dishonest conduct in the taking of the examination herein provided for; (d) has been convicted of a felony; (e) has committed grossly unprofessional or dishonest conduct; (f) is addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or occupations set forth in this chapter; (g) has advertised by means of knowingly false or deceptive statements; or (h) has failed to display the license or certificate issued to him or her as provided for in this chapter; or (i) has been convicted of violating any of the provisions of this chapter. A conviction of violating any of the provisions of this chapter shall be grounds for automatic suspension of the license or certificate of such person.

(3) The board shall not revoke, suspend or refuse to issue or renew any license or certificate, or fine, place on probation or otherwise discipline any person in a disciplinary matter except after a hearing of which the applicant or licensee or holder of the certificate affected shall be given at least twenty (20) days' notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in the case of any other disciplinary action, the offense or offenses of which the licensee or holder of a certificate of registration is charged. Such notice may be served by mailing a copy thereof by United States first-class certified mail, postage prepaid, to the last-known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe.

(4) At such hearings, all witnesses shall be sworn by a member of the board, and stenographic notes of the proceedings shall be taken. Any party to the proceedings desiring it shall be furnished with a copy of such stenographic notes upon payment to the board of such fees as it shall prescribe, not exceeding, however, the actual costs of transcription.

(5) The board is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers. The process issued by the board shall extend to all parts of the state and such process shall be served by any person designated by the board for such service. The person serving such process shall receive such compensation as may be allowed by the board, not to exceed the fee prescribed by law for similar services. All witnesses who shall be subpoenaed, and who shall appear in any proceedings before the board, shall receive the same fees and mileage as allowed by law.

(6) Where in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify, or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state, in the same manner as are enforced for the attendance and testimony of witnesses in civil cases in the courts of this state.

(7) The board shall conduct the hearing in an orderly and continuous manner, granting continuances only when the ends of justice may be served. The board shall, within sixty (60) days after conclusion of the hearing, reduce its decision to writing and forward an attested true copy thereof to the last-known residence or business address of such applicant, licensee or holder of a certificate, by way of United States first-class certified mail, postage prepaid. Such applicant, licensee, holder of a certificate, or person aggrieved shall have the right of appeal from an adverse ruling, or order, or decision of the board to the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon forwarding notice of appeal to the board within thirty (30) days after the decision of the board is mailed in the manner here contemplated. An appeal will not be allowed in the event notice of appeal, together with the appeal bond hereinafter required, shall not have been forwarded to the board within the thirty-day period. Appeal shall be to the Chancery Court of the First Judicial District of Hinds County, Mississippi. The appeal shall thereupon be heard in due course by the court which shall review the record and make its determination thereon.

(8) The appellant shall, together with the notice of appeal, forward to and post with the board a satisfactory bond in the amount of Five Hundred Dollars (\$500.00) for the payment of any costs which may be adjudged against him.

(9) In the event of an appeal, the court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. If there is an appeal, such appeal may, in the discretion of and on motion to the chancery court, act as a supersedeas. However, any fine imposed by the board under the provisions of this chapter shall not take effect until after the time for appeal has expired, and an appeal of the imposition of such a fine shall act as a supersedeas.

(10) Any fine imposed by the board upon a licensee or holder of a certificate shall be in accordance with the following schedule:

(a) For the first violation, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for each violation.

(b) For the second and each subsequent violation, a fine of not less than One Hundred Dollars (\$100.00) nor more than Four Hundred Dollars (\$400.00) for each violation.

The power and authority of the board to impose such fines under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations.

(11) In addition to the reasons specified in subsection (2) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or

93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SOURCES: Codes, 1942, § 8915-14; Laws, 1948, ch. 367, § 14; Laws, 1964, ch. 450, § 13; reenacted without change, Laws, 1983, ch. 487, § 14; Laws, 1991, ch. 553, § 19; reenacted, Laws, 1993, ch. 596, § 18; reenacted, Laws, 1995, ch. 383, § 19; Laws, 1996, ch. 507, § 33; reenacted and amended, Laws, 1997, ch. 513, § 19; reenacted without change, Laws, 2005, ch. 492, § 19; reenacted without change, Laws, 2010, ch. 487, § 19; reenacted and amended, Laws, 2011, ch. 525, § 19; Laws, 2013, ch. 523, § 19, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment in (7), inserted “of the First Judicial District of Hinds County, Mississippi” following “to the Chancery Court” in the third sentence; in the fifth sentence, deleted “chancery court of the county and judicial district of the residence of the appellant, or to the” following “Appeal shall be to the” and deleted “at the election of the appellant” from the end of the sentence; and deleted former next-to-last sentence in (7), which read “The notice of appeal shall elect venue unless the appellant be a nonresident of the State of Mississippi in which event the board shall certify all documents and evidence directly to the Chancery Court of the First Judicial District of Hinds County for further proceedings.”

§ 73-7-29. Fees [Repealed effective July 1, 2017].

SOURCES: Codes, 1942, § 8915-15; Laws, 1948, ch. 367, § 15; Laws, 1960, ch. 384, § 7; Laws, 1964, ch. 450, § 14; Laws, 1979, ch. 444, § 6; reenacted, Laws, 1983, ch. 487, § 15; Laws, 1987, ch. 516, § 15; Laws, 1990, ch. 346, § 1; reenacted, Laws, 1991, ch. 553, § 20; reenacted, Laws, 1993, ch. 596, § 19; reenacted, Laws, 1995, ch. 383, § 20; reenacted and amended, Laws, 1997, ch. 513, § 20; Laws, 2000, ch. 485, § 7; reenacted without change, Laws, 2005, ch. 492, § 20; reenacted without change, Laws, 2010, ch. 487, § 20; reenacted and amended, Laws, 2011, ch. 525, § 20; reenacted without change, Laws, 2013, ch. 523, § 20, eff from and after July 1, 2013.

Editor’s Note — This section was reenacted without change by Chapter 523, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-7-31. Exceptions to applicability of chapter [Repealed effective July 1, 2017].

SOURCES: Codes, 1942, § 8915-16; Laws, 1948, ch. 367, § 16; Laws, 1964, ch. 450, § 15; Laws, 1972, ch. 460, § 1; reenacted, Laws, 1983, ch. 487, § 16; Laws, 1987, ch. 516, § 16; Laws, 1988, ch. 537, § 3; reenacted, Laws, 1991, ch. 553, § 21; reenacted, Laws, 1993, ch. 596, § 20; reenacted, Laws, 1995, ch. 383,

§ 21; reenacted without change, Laws, 1997, ch. 513, § 21; reenacted and amended, Laws, 2005, ch. 492, § 21; Laws, 2008, ch. 509, § 1; reenacted without change, Laws, 2010, ch. 487, § 21; reenacted without change, Laws, 2011, ch. 525, § 21; reenacted without change, Laws, 2013, ch. 523, § 21, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 523, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-7-33. Sanitation rules and regulations [Repealed effective July 1, 2017].

In addition to the rules and regulations that may be prescribed and promulgated by the board under authority of this chapter, the following rules and regulations shall be observed:

Every establishment must be kept sanitary, including all utensils and equipment, must be well ventilated and properly lighted. Each salon must be provided with hot and cold running water. Electrical appliances must be properly installed and grounded.

Cosmetologists shall be allowed to wear any type of clothing or apparel while at work as long as such clothing or apparel is sanitary.

Cosmetologists shall be allowed to use any type of hair roller as long as they do so in a sanitary manner.

Persons with a communicable disease or parasitic infection that is medically recognized to be a direct threat of transmission by the type of contact that practitioners have with clients are not to be permitted to practice in an establishment until their condition is no longer communicable under those circumstances. No work shall be performed on any patron having a visible disease unless the patron shall produce a certificate from a practicing physician stating that the patron is free from infectious, contagious or communicable disease. A cosmetologist's license does not authorize such person to treat or prescribe for an infectious, contagious or any other disease.

A home salon must have a solid wall to the ceiling with an outside entrance, or if a door exists between the salon and the remainder of the house, the door must be kept closed at all times while service is being rendered.

SOURCES: Codes, 1942, § 8915-17; Laws, 1948, ch. 367, § 17; Laws, 1964, ch. 450, § 16; Laws, 1979, ch. 425; reenacted, Laws, 1983, ch. 487, § 17; reenacted, Laws, 1991, ch. 553, § 22; reenacted, Laws, 1993, ch. 596, § 21; reenacted, Laws, 1995, ch. 383, § 22; reenacted and amended, Laws, 1997, ch. 513, § 22; reenacted without change, Laws, 2005, ch. 492, § 22; reenacted without change, Laws, 2010, ch. 487, § 22; reenacted without change, Laws, 2011, ch. 525, § 22; Laws, 2013, ch. 523, § 22, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment in the fifth paragraph, substituted the first sentence for "Anyone having an infectious or contagious disease shall not practice

in any establishment. Salon owners will be held responsible for knowingly permitting one with such disease to practice in his or her salon” at the beginning.

§ 73-7-35. Limitations on location of professional practice [Repealed effective July 1, 2017].

(1) No person licensed pursuant to this chapter shall practice his or her profession except within the physical confines of a salon possessing and displaying a properly executed license issued pursuant to Section 73-7-17. However, this requirement shall not prevent a person from rendering his or her services to any person who may be confined to his or her home, a hospital, or other place as a result of illness, and cosmetologists shall be permitted to render their services to deceased persons away from their salons.

(2) No salon owner licensed pursuant to this chapter shall allow a cosmetologist, esthetician, or manicurist to practice his/her profession in the salon without possessing a valid license issued pursuant to this chapter.

SOURCES: Codes, 1942, § 8915-17.5; Laws, 1964, ch. 450, § 17; reenacted without change, Laws, 1983, ch. 487, § 18; Laws, 1987, ch. 516, § 17; Laws, 1988, ch. 537, § 2; reenacted, Laws, 1991, ch. 553, § 23; reenacted, Laws, 1993, ch. 596, § 22; reenacted, Laws, 1995, ch. 383, § 23; reenacted without change, Laws, 1997, ch. 513, § 23; reenacted without change, Laws, 2005, ch. 492, § 23; reenacted without change, Laws, 2010, ch. 487, § 23; reenacted without change, Laws, 2011, ch. 525, § 23; Laws, 2013, ch. 523, § 23, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment deleted “or wig specialist” following “or manicurist” in (2); and made a minor stylistic change.

§ 73-7-37. Penalty for violations of chapter; proceedings for orders enjoining violations or enforcing compliance with chapter; violations of court orders [Repealed effective July 1, 2017].

(1) The violation of any of the provisions of this chapter, including the use of fraudulent statements to obtain any benefits or privileges under this chapter or practicing one (1) of these professions without a license, shall constitute a misdemeanor, punishable in any court of competent jurisdiction at the seat of government, and any person or firm convicted of the violation of any of the provisions of this chapter shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). The court shall not be authorized to suspend or suspend the execution of the fine required under this section.

(2) If any person, firm or corporation violates any of the provisions of this chapter, the secretary of the board, upon direction of a majority of the board and in the name of the board, acting through the Attorney General or an attorney employed by the board, shall apply in the Chancery Court of the First Judicial District of Hinds County, Mississippi, for an order enjoining such violation or for an order enforcing compliance with the provisions of this

chapter. Upon the filing of a verified petition in the chancery court and after notice as provided under the Mississippi Rules of Civil Procedure, such court, if satisfied by the sworn petition, by affidavit or otherwise, that such person has violated any of the provisions of this chapter, may issue an injunction without notice or bond, enjoining such continued violation and such injunction shall remain in force and effect until a final hearing. If at such hearing it is established that such person has violated or is violating any of the provisions of this chapter, the court may enter a decree permanently enjoining such violation or enforcing compliance with this chapter. In addition, the court may enter a judgment against such person for attorney's fees, court costs and the actual costs incurred by the board in investigating the actions of such person for which the board brought the suit for an injunction. In case of violation of any decree issued in compliance with this subsection, the court may punish the offender for contempt of court and the court shall proceed as in other cases.

(3) The proceedings in this section shall be in addition to and not in lieu of the other remedies and penalties provided in this chapter.

SOURCES: Codes, 1942, § 8915-18; Laws, 1948, ch. 367, § 18; Laws, 1964, ch. 450, § 18; reenacted without change, Laws, 1983, ch. 487, § 19; Laws, 1991, ch. 553, § 24; reenacted, Laws, 1993, ch. 596, § 23; reenacted, Laws, 1995, ch. 383, § 24; reenacted and amended, Laws, 1997, ch. 513, § 24; reenacted without change, Laws, 2005, ch. 492, § 24; reenacted without change, Laws, 2010, ch. 487, § 24; reenacted without change, Laws, 2011, ch. 525, § 24; Laws, 2013, ch. 523, § 24, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment inserted “at the seat of government” in (1); in (2), substituted “the Chancery Court of the First Judicial District of Hinds County, Mississippi” for “any chancery court of competent jurisdiction” in the first sentence, substituted “chancery” for “proper” and deleted “or any judge thereof” following “such court” in the second sentence.

§§ 73-7-51 through 73-7-61. Repealed.

Repealed by Laws of 2013, ch. 523, § 25, effective from and after July 1, 2013.

§ 73-7-51. [Codes, 1942, § 8915-21; Laws, 1972, ch. 460, § 2; reenacted, Laws, 1983, ch. 487, § 20; reenacted, Laws, 1991, ch. 553, § 25; reenacted, Laws, 1993, ch. 596, § 24; reenacted, Laws, 1995, ch. 383, § 25; reenacted without change, Laws, 1997, ch. 513, § 25; reenacted without change, Laws, 2005, ch. 492, § 25; reenacted without change, Laws, 2010, ch. 487, § 25; reenacted without change, Laws, 2011, ch. 525, § 25, eff from and after July 1, 2011.]

§ 73-7-53. [Codes, 1942, § 8915-22; Laws, 1972, ch. 460, § 3; Laws, 1982, ch. 448, § 7; reenacted, Laws, 1983, ch. 487, § 21; reenacted, Laws, 1991, ch. 553, § 26; reenacted, Laws, 1993, ch. 596, § 25; reenacted, Laws, 1995, ch. 383, § 26; reenacted without change, Laws, 1997, ch. 513, § 26; Laws, 2000, ch. 485, § 8; reenacted without change, Laws, 2005, ch. 492, § 26; reenacted without change, Laws, 2010, ch. 487, § 26; reenacted and amended, Laws, 2011, ch. 525, § 26, eff from and after July 1, 2011.]

§ 73-7-55. [Codes, 1942, § 8915-22; Laws, 1972, ch. 460, § 3; reenacted, Laws, 1983, ch. 487, § 22; reenacted, Laws, 1991, ch. 553, § 27; reenacted, Laws, 1993, ch. 596, § 26; reenacted, Laws, 1995, ch. 383, § 27; reenacted without change, Laws, 1997, ch. 513, § 27, ; reenacted without change, Laws, 2005, ch. 492, § 27; reenacted without change, Laws, 2010, ch. 487, § 27; reenacted without change, Laws, 2011, ch. 525, § 27, eff from and after July 1, 2011.]

§ 73-7-57. [Codes, 1942, § 8915-23; Laws, 1972, ch. 460, § 4; Laws, 1979, ch. 444, § 7; reenacted, Laws, 1983, ch. 487, § 23; Laws, 1987, ch. 516, § 18; reenacted, Laws, 1991, ch. 553, § 28; reenacted, Laws, 1993, ch. 596, § 27; reenacted, Laws, 1995, ch. 383, § 28; reenacted without change, Laws, 1997, ch. 513, § 28; reenacted without change, Laws, 2005, ch. 492, § 28; reenacted without change, Laws, 2010, ch. 487, § 28; reenacted without change, Laws, 2011, ch. 525, § 28, eff from and after July 1, 2011.]

§ 73-7-59. [Codes, 1942, § 8915-25; Laws, 1972, ch. 460, § 6; reenacted, Laws, 1983, ch. 487, § 24; reenacted, Laws, 1991, ch. 553, § 29; reenacted, Laws, 1993, ch. 596, § 28; reenacted, Laws, 1995, ch. 383, § 29; reenacted without change, Laws, 1997, ch. 513, § 29; Laws, 2000, ch. 485, § 9; reenacted without change, Laws, 2005, ch. 492, § 29; reenacted without change, Laws, 2010, ch. 487, § 29; reenacted without change, Laws, 2011, ch. 525, § 29, eff from and after July 1, 2011.]

§ 73-7-61. [Codes, 1942, § 8915-24; Laws, 1972, ch. 460, § 5; reenacted, Laws, 1983, ch. 487, § 25; reenacted, Laws, 1991, ch. 553, § 30; reenacted, Laws, 1993, ch. 596, § 29; reenacted, Laws, 1995, ch. 383, § 30; reenacted without change, Laws, 1997, ch. 513, § 30; reenacted without change, Laws, 2005, ch. 492, § 30; reenacted without change, Laws, 2010, ch. 487, § 30; reenacted without change, Laws, 2011, ch. 525, § 30, eff from and after July 1, 2011.]

Editor's Note — Former § 73-7-51 required certain persons to obtain wig specialist licenses or wig salon certificates of registration.

Former § 73-7-53 related to requirements for wig specialist licenses.

Former § 73-7-55 allowed registered wig specialists desiring to qualify for certificate of registration as cosmetologist to apply 300 hours acquired in training to be a wig specialist to the hours required to be eligible for cosmetologist's examination.

Former § 73-7-57 related to the licensing of wig salons.

Former § 73-7-59 exempted cosmetologists from certain provisions of former §§ 73-7-51 through 73-7-61.

Former § 73-7-61 exempted retail sales of wigs or hairpieces from requirements of §§ 73-7-51 through 73-7-61.

§ 73-7-63. Repeal of Sections 73-7-1 through 73-7-37.

Sections 73-7-1 through 73-7-37, which create the State Board of Cosmetology and prescribe its duties and powers, shall stand repealed as of July 1, 2017.

SOURCES: Laws, 1979, ch. 301, § 23; ch. 357, § 9; Laws, 1983, ch. 487, § 26; Laws, 1991, ch. 553, § 31; Laws, 1993, ch. 596, § 1; reenacted, Laws, 1995, ch.

383, § 31; Laws, 1997, ch. 513, § 31; Laws, 2001, ch. 515, § 1; Laws, 2005, ch. 492, § 31; Laws, 2010, ch. 487, § 31; Laws, 2011, ch. 525, § 31; Laws, 2013, ch. 523, § 27, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment deleted “and 73-7-51 through 73-7-61” following “73-7-37” and substituted “2017” for “2013” at the end of the paragraph.

HAIR BRAIDING

SEC.

73-7-71.

“Hair braiding” defined; persons practicing hair braiding for compensation required to register with Department of Health; department not authorized to license or regulate the practice of hair braiding; department directed to develop brochure containing information about infection control techniques; brochure to include self-test questionnaire; persons engaging in hair braiding for compensation may be exempt from cosmetology licensing by completing self-test and keeping it at place of business; department may conduct inspections of premises to determine whether self-test is available on site; section inapplicable to licensed cosmetologists, barbers, or wig specialists.

§ 73-7-71. “Hair braiding” defined; persons practicing hair braiding for compensation required to register with Department of Health; department not authorized to license or regulate the practice of hair braiding; department directed to develop brochure containing information about infection control techniques; brochure to include self-test questionnaire; persons engaging in hair braiding for compensation may be exempt from cosmetology licensing by completing self-test and keeping it at place of business; department may conduct inspections of premises to determine whether self-test is available on site; section inapplicable to licensed cosmetologists, barbers, or wig specialists.

(1) For the purpose of this section, the term “hair braiding” means the use of techniques that result in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair.

(2) No person shall engage in hair braiding for compensation in the State of Mississippi without first registering with the State Department of Health. The department may charge each registrant a fee of not more than Twenty-five Dollars (\$25.00) to cover the department’s costs in registering the person and providing the person with the brochure prepared under subsection (3) of this section, which fee shall be uniform for all registrants. The purpose of this registration is only to maintain a listing of those persons who engage in hair braiding for compensation in the state, and does not authorize the department

to license or regulate the practice of hair braiding in the state, except as provided in subsection (4) of this section.

(3) The State Department of Health shall develop and prepare a brochure containing information about infection control techniques that are appropriate for hair braiding in or outside of a salon setting. The brochure shall be made available through the department's website or by mail, upon request, for a fee to cover the department's mailing costs. The brochure shall contain a self-test with questions on the information contained in the brochure. For a person engaged in hair braiding to be exempt from the cosmetology licensure law, Section 73-7-1 et seq., the person shall complete the self-test part of the brochure and keep the brochure and completed self-test available at the location at which the person is engaged in hair braiding.

(4) Representatives of the department may visit any facility or premises in which hair braiding is performed at any time during business hours to determine if the brochure and completed self-test are available at the facility or premises.

(5) This section does not apply to cosmetologists, or barbers licensed to practice in Mississippi in their respective fields.

SOURCES: Laws, 2005, ch. 492, § 32; Laws, 2008, ch. 509, § 2; Laws, 2013, ch. 523, § 26, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment deleted “or wig specialists” following “barbers” and made a related change in (5).

CHAPTER 9

Dentists

General Licensing Requirements 73-9-1

GENERAL LICENSING REQUIREMENTS

SEC.

73-9-23. Examinations for license.

73-9-24. Alternative procedure for qualifying for license based on credentials.

§ 73-9-3. “Dentistry” defined.

JUDICIAL DECISIONS

1. In general.

Substantial evidence supported the decision by the Mississippi State Board of Dental Examiners that a dentist violated a number of the conditions set forth in a consent agreement by practicing dentistry during a period when the dentist was

suspended from the practice of dentistry because the dentist numbed a patient and removed and inserted a crown, which constituted the practice of dentistry. *Holt v. Miss. State Bd. of Dental Exam'rs*, 131 So. 3d 1271 (Miss. Ct. App. 2014).

§ 73-9-13. Officers of board; duties and powers.**JUDICIAL DECISIONS****1. Authority.**

Mississippi State Board of Dental Examiners, the prosecutor, and the Board's investigators did not act beyond the scope of their authority in suspending a den-

tist's license to practice dentistry for five years. *Holt v. Miss. State Bd. of Dental Exam'rs*, 131 So. 3d 1271 (Miss. Ct. App. 2014).

§ 73-9-23. Examinations for license.

(1) No person who desires to practice dentistry or dental hygiene in the State of Mississippi shall be licensed until that person has passed an examination by the board. Applicants for examination shall apply in writing to the board for an examination at least thirty (30) days before the examination and shall upon application pay a nonrefundable fee as elsewhere provided in this chapter.

(2) An applicant for licensure by examination as a dentist who is a graduate of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association (ADA), or its successor commission, shall:

(a) Be of good moral character, be possessed of a high school education, and have attained the age of twenty-one (21) years;

(b) Exhibit with the application a diploma or certificate of graduation from the ADA accredited dental school; and

(c) Have successfully completed Parts I and II of the National Board Examinations of the Joint Commission on National Dental Examinations, or its successor commission, unless the applicant graduated from an accredited dental school before 1960.

(3) An applicant for licensure by examination as a dentist who is a graduate of a non-ADA accredited foreign country dental school shall:

(a) Be of good moral character and have attained the age of twenty-one (21) years;

(b) Be proficient in oral and written communications in the English language;

(c) Have completed not less than six (6) academic years of postsecondary study and graduated from a foreign dental school that is recognized by the licensure authorities in that country;

(d) Have been licensed as a dentist or admitted to the practice of dentistry in the foreign country in which the applicant received foreign dental school training;

(e) Present documentation of having completed at least two (2) or more years of full-time postdoctoral dental education in a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor commission, and has been certified by the dean of the accredited dental school as having achieved the same level of didactic and clinical competence as expected of a graduate of the school; and

(f) Have successfully completed Parts I and II of the National Board Examinations of the Joint Commission on National Dental Examinations, or its successor commission, unless the applicant graduated from an approved dental school before 1960.

(4) An applicant for licensure by examination as a dental hygienist who is a graduate of a dental hygiene school accredited by the Commission on Dental Accreditation of the American Dental Association (ADA), or its successor commission, shall:

(a) Be of good moral character, be possessed of a high school education and have attained the age of eighteen (18) years;

(b) Exhibit with the application a diploma or certificate of graduation from the ADA accredited dental hygiene school; and

(c) Have successfully completed the National Board Dental Hygiene Examinations of the Joint Commission on National Dental Examinations, or its successor commission.

(5) An applicant for licensure by examination as a dental hygienist who is a graduate of a non-ADA accredited foreign country dental hygiene school shall:

(a) Be of good moral character and have attained the age of eighteen (18) years;

(b) Be proficient in oral and written communications in the English language;

(c) Have completed not less than two (2) academic years of postsecondary study and graduated from a foreign dental hygiene school that is recognized by the licensure authorities in that country;

(d) Have been licensed as a dental hygienist or admitted to the practice of dental hygiene in the foreign country in which the applicant received foreign dental hygiene school training;

(e) Present documentation of having completed at least one or more years of full-time postgraduate clinical education in a dental hygiene school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor commission, and has been certified by the dean of the accredited dental hygiene school as having achieved the same level of didactic and clinical competence as expected of a graduate of the school; and

(f) Have successfully completed the National Board Dental Hygiene Examinations of the Joint Commission on National Dental Examinations, or its successor commission.

(6) Applications shall be made in the form and content as required in this section and as shall be prescribed by the board, and each applicant shall submit upon request such proof as the board may require as to age, character and qualifications. Applications must be signed by two (2) citizens of the state of which the applicant is a resident, attesting under oath that the applicant is of good moral character. All applicants for licensure shall submit an endorsement from all states in which he or she is currently licensed or has ever been licensed to practice dentistry or dental hygiene. The board may disallow the

licensure examination to any applicant who has been found guilty of any of the grounds for disciplinary action as enumerated in Section 73-9-61.

(7) Examination shall be as elsewhere provided in this chapter and the board may by its rules and regulations prescribe reasonable professional standards for oral, written, clinical and other examinations given to applicants, and, if deemed necessary by the board, include a requirement that licensure examinations of applicants be conducted utilizing live human subjects. Each applicant shall appear before the board and be examined to determine his or her learning and skill in dentistry or dental hygiene. If found by the members of the board conducting the examination to possess sufficient learning and skill therein and to be of good moral character, the board shall, as early as practicable, grant to the person a license to practice dentistry or dental hygiene, as the case may be, which shall be signed by each member of the board who attended the examination and approved the issuance of a license.

(8) The Board of Dental Examiners may, at its own discretion, accept certification of a licensure applicant, either dentist or dental hygienist, by the National Board Examinations of the Joint Commission on National Dental Examinations, or its successor commission, in lieu of the written examination. However, in all such instances the board shall retain the right to administer such further written and practical examinations and demonstrations as it deems necessary.

(9) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Codes, 1930, § 4303; 1942, § 8755; Laws, 1928, ch. 131; Laws, 1944, ch. 276, § 2; Laws, 1952, ch. 323, § 1; Laws, 1956, ch. 303; Laws, 1966, ch. 468, § 1; Laws, 1981, ch. 307, § 1; reenacted, Laws, 1983, ch. 488, § 12; Laws, 1988, ch. 394; Laws, 1991, ch. 483, § 12; Laws, 1992, ch. 580, § 2; reenacted without change, Laws, 1997, ch. 541, § 12; Laws, 1997, ch. 588, § 37; Laws, 2000, ch. 560, § 4; reenacted and amended, Laws, 2002, ch. 524, § 12; Laws, 2003, ch. 387, § 1, eff from and after July 1, 2003.

Editor's Note — Set out to correct an error in the 2012 Replacement Volume.

§ 73-9-24. Alternative procedure for qualifying for license based on credentials.

(1) In addition to the method for obtaining a license to practice dentistry or dental hygiene by way of examination as provided by Section 73-9-23, the board, in its sole discretion, may grant a license to a candidate who meets the following criteria:

(a) Submit proof of graduation from a dental school or school of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association (ADA), or its successor commission;

(b) Be engaged in the active practice of dentistry or dental hygiene or in full-time dental education or dental hygiene education for the past five (5) years;

(c) Currently hold a valid, unrestricted and unexpired license in a state whose standards for licensure are determined by the board as equivalent to Mississippi's standards, and which state grants reciprocity or licensure by credentials to licensees of the State of Mississippi;

(d) Provides an endorsement from all states in which he or she is currently licensed or has ever been licensed to practice dentistry or dental hygiene;

(e) Has not been the subject of pending or final disciplinary action in any state in which the applicant has been licensed;

(f) Is not the subject of a pending investigation in any other state or jurisdiction;

(g) Has passed a state or regional clinical licensure examination and, within the past five (5) years, has not failed a clinical licensure examination administered by another state, jurisdiction, or regional licensing board;

(h) Has not failed at any time, a licensure examination administered by the Mississippi State Board of Dental Examiners;

(i) Provides a written statement agreeing to appear for interviews at the request of the board;

(j) Has successfully completed all parts of the National Board Examinations of the Joint Commission on National Dental Examinations, or its successor commission, unless the applicant graduated from an accredited dental or dental hygiene school before 1960;

(k) Successfully passes a written jurisprudence examination;

(l) Provides payment of a nonrefundable application fee as provided in Section 73-9-43; and

(m) In addition, the State Board of Dental Examiners may consider the following in accepting, rejecting or denying an application for licensure by credentialing:

(i) Information from the National Practitioner Data Bank, the Healthcare Integrity and Protection Data Bank and/or the American Association of Dental Examiners Clearinghouse for Disciplinary Information.

(ii) Questioning under oath.

(iii) Results of peer review reports from constituent societies and/or federal dental services.

(iv) Substance abuse testing or treatment.

(v) Background checks for criminal or fraudulent activities.

(vi) Participation in continuing education.

(vii) A current certificate in cardiopulmonary resuscitation.

(viii) Recent patient case reports and/or oral defense of diagnosis and treatment plans.

(ix) No physical or psychological impairment that would adversely affect the ability to deliver quality dental care.

(x) Agreement to initiate practice in the credentialing jurisdiction within a reasonable period of time.

(xi) Proof of professional liability coverage and that the coverage has not been refused, declined, canceled, nonrenewed or modified.

(xii) Any additional information or documentation that the board may stipulate by rule or regulation as necessary to qualify for a license by credentialing.

(2) The board shall be granted sufficient time to conduct a complete inquiry into the applicant's qualifications for licensure by credentials, and the board may adopt such rules and regulations pertaining to the time needed to conduct investigations and the responsibility of applicants to produce verifiable documentation.

(3) Any applicant failing to meet the criteria in subsection (1) of this section shall not be eligible for a license based on credentials. Upon meeting the criteria in subsection (1) of this section, the Mississippi State Board of Dental Examiners may, in its discretion, issue to the applicant a license to practice dentistry, or dental hygiene, unless grounds for denial of licensure exist as enumerated in Section 73-9-61. Evidence of falsification in the application for licensure through credentialing will result in revocation of the license.

(4) Any applicant applying for a specialty license by credentials must stay within his or her board recognized specialty and must practice only that specialty within the State of Mississippi. A specialty license holder must hold a general dentistry license before obtaining a specialty license.

(5) The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1993, ch. 465, § 3; reenacted without change, Laws, 1997, ch. 541, § 13; Laws, 2000, ch. 560, § 5; reenacted and amended, Laws, 2002, ch. 524, § 13; Laws, 2003, ch. 387, § 2; Laws, 2013, ch. 350, § 11, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added (5).

§ 73-9-61. Denial of issuance or renewal, revocation, or suspension of license for cause; monetary penalty in lieu of denial, revocation, or suspension; other disciplinary measures [Paragraph (1)(r) repealed effective July 1, 2016].

JUDICIAL DECISIONS

1. Construction and application.

Decision by the Mississippi State Board of Dental Examiners to suspend the license of a dentist to practice dentistry for

five years was not the equivalent of an excessive fine. *Holt v. Miss. State Bd. of Dental Exam'rs*, 131 So. 3d 1271 (Miss. Ct. App. 2014).

§ 73-9-65. Accused entitled to notice, hearing and appeal; practice of dentistry or dental hygiene pending appeal.

JUDICIAL DECISIONS

1. **Right to an attorney.**
Mississippi State Board of Dental Examiners was not obligated to ensure that a dentist had an attorney during an informal, non-adjudicatory hearing. Furthermore, the Board postponed the original date of the informal hearing to accommodate the dentist's attorney, but, even so, the dentist appeared at the informal hearing without an attorney. *Holt v. Miss. State Bd. of Dental Exam'rs*, 131 So. 3d 1271 (Miss. Ct. App. 2014).

CHAPTER 10
Dietitians

SEC.
73-10-15. Practice by nonresident dietitian; reciprocity.

§ 73-10-15. Practice by nonresident dietitian; reciprocity.

- (1) A nonresident dietitian may practice dietetics in Mississippi for five (5) days per year with current other state's licensure or with current registration with the Commission on Dietetics Registration.
- (2) The board may waive the prescribed examination for licensure and grant a license to any person who shall present proof of current licensure as a dietitian in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the advisory council to be greater than or equal to the requirements for licensure of this chapter, if such state or territory extends reciprocity to licensees of the State of Mississippi. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1986, ch. 453, § 8; Laws, 1994, ch. 400, § 6; reenacted and amended, Laws, 2000, ch. 483, § 8; reenacted without change, Laws, 2002, ch. 620, § 8; Laws, 2013, ch. 350, § 12, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence in (2).

CHAPTER 11
Practice of Funeral Service and Funeral Directing

State Board of Funeral Service 73-11-33

STATE BOARD OF FUNERAL SERVICE

SEC.
73-11-51. Examination of applicants for license; qualifications; fees; reciprocity;

renewal of license; license not assignable or valid for any person other than licensee; exemption for students enrolled in accredited funeral service technology or mortuary science programs [Repealed effective July 1, 2017].

§ 73-11-51. Examination of applicants for license; qualifications; fees; reciprocity; renewal of license; license not assignable or valid for any person other than licensee; exemption for students enrolled in accredited funeral service technology or mortuary science programs [Repealed effective July 1, 2017].

(1) No person shall engage in the business or practice of funeral service, including embalming, and/or funeral directing or hold himself out as transacting or practicing or being entitled to transact or practice funeral service, including embalming, and/or funeral directing in this state unless duly licensed under the provisions of this chapter.

(2) The board is authorized and empowered to examine applicants for licenses for the practice of funeral service and funeral directing and shall issue the proper license to those persons who successfully pass the applicable examination and otherwise comply with the provisions of this chapter.

(3) To be licensed for the practice of funeral directing under this chapter, a person must furnish satisfactory evidence to the board that he or she:

(a) Is at least eighteen (18) years of age;

(b) Has a high school diploma or the equivalent thereof;

(c) Has served as a resident trainee for not less than twenty-four (24) months under the supervision of a person licensed for the practice of funeral service or funeral directing in this state;

(d) Has successfully passed a written and/or oral examination as prepared or approved by the board; and

(e) Is of good moral character.

(4) To be licensed for the practice of funeral service under this chapter, a person must furnish satisfactory evidence to the board that he or she:

(a) Is at least eighteen (18) years of age;

(b) Has a high school diploma or the equivalent thereof;

(c) Has successfully completed twelve (12) months or more of academic and professional instruction from an institution accredited by the United States Department of Education for funeral service education and have a certificate of completion from an institution accredited by the American Board of Funeral Service Education or any other successor recognized by the United States Department of Education for funeral service education;

(d) Has served as a resident trainee for not less than twelve (12) months, either before or after graduation from an accredited institution mentioned above, under the supervision of a person licensed for the practice of funeral service in this state and in an establishment licensed in this state;

(e) Has successfully passed the National Conference of Funeral Examiners examination and/or such other examination as approved by the board; and

(f) Is of good moral character.

(5) All applications for examination and license for the practice of funeral service or funeral directing shall be upon forms furnished by the board and shall be accompanied by an examination fee, a licensing fee and a nonrefundable application fee in amounts fixed by the board in accordance with Section 73-11-56. The fee for an initial license, however, may be prorated in proportion to the period of time from the date of issuance to the date of biennial license renewal prescribed in subsection (8) of this section. All applications for examination shall be filed with the board office at least sixty (60) days before the date of examination. A candidate shall be deemed to have abandoned the application for examination if he does not appear on the scheduled date of examination unless such failure to appear has been approved by the board.

(6) The practice of funeral service or funeral directing must be engaged in at a licensed funeral establishment, at least one (1) of which is listed as the licensee's place of business; and no person, partnership, corporation, association or other organization shall open or maintain a funeral establishment at which to engage in or conduct or hold himself or itself out as engaging in the practice of funeral service or funeral directing until such establishment has complied with the licensing requirements of this chapter. A license for the practice of funeral service or funeral directing shall be used only at licensed funeral establishments; however, this provision shall not prevent a person licensed for the practice of funeral service or funeral directing from conducting a funeral service at a church, a residence, public hall, lodge room or cemetery chapel, if such person maintains a fixed licensed funeral establishment of his own or is in the employ of or an agent of a licensed funeral establishment.

(7) Any person holding a valid, unrevoked and unexpired nonreciprocal license in another state or territory having requirements greater than or equal to those of this state as determined by the board may apply for a license to practice in this state by filing with the board a certified statement from the secretary of the licensing board of the state or territory in which the applicant holds his license certifying to his qualifications and good standing with that board. He/she must also successfully pass a written and/or oral examination on the Mississippi Funeral Service licensing law and rules and regulations as prepared or approved by the board, and must pay a nonrefundable application fee set by the board. If the board finds that the applicant has fulfilled aforesaid requirements and has fulfilled substantially similar requirements of those required for a Mississippi licensee, the board shall grant such license upon receipt of a fee in an amount equal to the renewal fee set by the board for a license for the practice of funeral service or funeral directing, as the case may be, in this state. The board may issue a temporary funeral service or funeral directing work permit before a license is granted, before the next regular meeting of the board, if the applicant for a reciprocal license has complied with all requirements, rules and regulations of the board. The temporary permit will expire at the next regular meeting of the board. The issuance of a license or temporary permit by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(8)(a) Except as provided in Section 33-1-39, any person holding a license for the practice of funeral service or funeral directing may have the same renewed for a period of two (2) years by making and filing with the board an application on or before the due date. Payment of the renewal fee shall be in an amount set by the board in accordance with Section 73-11-56. The board shall mail the notice of renewal and the due date for the payment of the renewal fee to the last-known address of each licensee at least thirty (30) days before that date. It is the responsibility of the licensee to notify the board in writing of any change of address. An application will be considered late if the application and proper fees are not in the board's office or postmarked by the due date. Failure of a license holder to receive the notice of renewal shall not exempt or excuse a license holder from the requirement of renewing the license on or before the license expiration date.

(b) If the renewal fee is not paid on or postmarked by the due date, the license of such person shall by operation of law automatically expire and become void without further action of the board. The board may reinstate such license if application for licensure is made within a period of five (5) years, upon payment of the renewal fee for the current year, all renewal fees in arrears, and a reinstatement fee. After a period of five (5) years, the licensee must make application, pay the current renewal fee, all fees in arrears, and pass a written and/or oral examination as prepared or approved by the board.

(9) No license shall be assignable or valid for any person other than the original licensee.

(10) The board may, in its discretion, if there is a major disaster or emergency where human death is likely to occur, temporarily authorize the practice of funeral directing and funeral service by persons licensed to practice in another state but not licensed to practice in this state. Only persons licensed in this state, however, may sign death certificates.

(11) Any funeral service technology or mortuary science program accredited by the American Board of Funeral Service Education in the State of Mississippi, as well as students enrolled in such a program, shall be exempt from licensing under this chapter when embalming or otherwise preparing a deceased human body for disposition as part of a student practicum experience, when the student is directly supervised by an instructor or preceptor who holds a current funeral service license. This exemption shall apply to practicum experiences performed at an accredited institution of funeral service technology or mortuary science program or at a duly licensed funeral establishment or commercial mortuary service. Nothing in this subsection shall be construed to allow any funeral service technology or mortuary science program, or those students enrolled in such a program, to engage in practicum experiences for remuneration.

(12) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Laws, 1983, ch. 351, § 6; reenacted and amended, Laws, 1991, ch. 463, § 7; Laws, 1993, ch. 499, § 3; Laws, 1995, ch. 387, § 7; Laws, 1997, ch. 588, § 39; reenacted and amended, Laws, 1999, ch. 350, § 1; Laws, 2000, ch. 356, § 1; reenacted and amended, Laws, 2002, ch. 497, § 7; reenacted and amended, Laws, 2005, ch. 542, § 7; Laws, 2007, ch. 309, § 11; Laws, 2008, ch. 514, § 4; Laws, 2012, ch. 466, § 7; Laws, 2013, ch. 350, § 13, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence in (7).

CHAPTER 13

Engineers and Land Surveyors

Engineers 73-13-1

ENGINEERS

SEC.
73-13-35. Persons holding certificate from a national body or other state.

§ 73-13-3. Definitions.

JUDICIAL DECISIONS

2. Expert testimony. an engineer pursuant to Miss. Code Ann. §§ 73-13-1 through 73-13-45. Tellus Operating Group, LLC v. Tex. Petroleum Inv. Co., 105 So. 3d 274 (Miss. 2012).
Engineer may be qualified as an expert witness under Miss. R. Evid. 702 even if he or she is not licensed in Mississippi as

§ 73-13-23. Qualifications for registration.

Cross References — Examination for enrollment as engineer intern and for licensure as professional engineer, see § 73-13-27.

§ 73-13-35. Persons holding certificate from a national body or other state.

The board may, upon application therefor and the payment of a fee in accordance with Section 73-13-25, issue a certificate of licensure as a professional engineer to any person who holds a certificate of qualification or licensure issued to him by proper authority of any state or territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of Sections 73-13-1 through 73-13-45 and the rules established by the board. The issuance of a certificate of licensure by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, 1942, § 8791-19; Laws, 1954, ch. 321, § 19; Laws, 1968, ch. 509, § 4; Laws, 1978, ch. 500, § 4; reenacted and amended, Laws, 1983, ch. 450,

§ 18; reenacted and amended, Laws, 1991, ch. 470, § 18; reenacted without change, Laws, 1999, ch. 416, § 18; reenacted without change, Laws, 1999, ch. 534, § 18; reenacted and amended, Laws, 2004, ch. 586, § 18; Laws, 2013, ch. 350, § 14, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence.

CHAPTER 14
Hearing Aid Dealers

SEC.
73-14-25. Licensure upon passing examination in other jurisdiction; reciprocity.

§ 73-14-25. **Licensure upon passing examination in other jurisdiction; reciprocity.**

The department may license as a hearing aid specialist, and furnish a certificate of licensure, to any applicant who presents evidence, satisfactory to the department of having passed an examination before a similar lawfully authorized examining agency or board of hearing aid specialists of another state or the District of Columbia, if the standards for registration of hearing aid specialists or for licensure as a hearing aid specialist in such state or district are determined by the department to be as high as those of this state, and if that jurisdiction affords licensees of this state reciprocity.

Any person making application for licensure under the provisions of this section may, at the discretion of the board, be required to pass an examination selected by the board.

The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, 1942, § 7129-109; Laws, 1972, ch. 523, § 9; reenacted, Laws, 1983, ch. 486, § 11; reenacted, Laws, 1991, ch. 351, § 11; Laws, 1992, ch. 438, § 11; Laws, 1995, ch. 503, § 11; reenacted and amended, Laws, 2000, ch. 484, § 11; brought forward without change, Laws, 2005, ch. 460, § 11; Laws, 2013, ch. 350, § 15, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last paragraph.

CHAPTER 15
Nurses

Article 1.	Regulation of Practice of Nursing	73-15-1
Article 3.	Hemodialysis Technicians	73-15-101

ARTICLE 1.

REGULATION OF PRACTICE OF NURSING.

SEC.
73-15-19. Registered nurse.

- 73-15-21. Licensed practical nurses.
73-15-25. Approval of schools of practical nursing.

§ 73-15-19. Registered nurse.

(1) **Registered nurse applicant qualifications.** — Any applicant for a license to practice as a registered nurse shall submit to the board:

- (a) An attested written application on a Board of Nursing form;
- (b) Written official evidence of completion of a nursing program approved by the Board of Trustees of State Institutions of Higher Learning, or one approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to this board;
- (c) Evidence of competence in English related to nursing, provided the first language is not English;
- (d) Any other official records required by the board.

In addition to the requirements specified in paragraphs (a) through (d) of this subsection, in order to qualify for a license to practice as a registered nurse, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-15-29 or guilty of any offense specified in Section 73-15-33. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of his or her fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board

in requesting and obtaining state and national criminal history records information on the applicant.

The board may, in its discretion, refuse to accept the application of any person who has been convicted of a criminal offense under any provision of Title 97 of the Mississippi Code of 1972, as now or hereafter amended, or any provision of this article.

(2) **Licensure by examination.** — (a) Upon the board being satisfied that an applicant for a license as a registered nurse has met the qualifications set forth in subsection (1) of this section, the board shall proceed to examine such applicant in such subjects as the board shall, in its discretion, determine. The subjects in which applicants shall be examined shall be in conformity with curricula in schools of nursing approved by the Board of Trustees of State Institutions of Higher Learning, or one approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to the board.

(b) The applicant shall be required to pass the written examination as selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a registered nurse.

(d) The board may use any part or all of the state board test pool examination for registered nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score shall be established by the board in its rules.

(3) **Licensure by endorsement.** — The board may issue a license to practice nursing as a registered nurse without examination to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed registered nurses in this state and has previously achieved the passing score or scores on the licensing examination required by this state, at the time of his or her graduation. The issuance of a license by endorsement to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(4) **Requirements for rewriting the examination.** — The board shall establish in its rules the requirements for rewriting the examination for those persons failing the examination on the first writing or subsequent rewriting.

(5) **Fee.** — The applicant applying for a license by examination or by endorsement to practice as a registered nurse shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the board.

(6) **Temporary permit.** — (a) The board may issue a temporary permit to practice nursing to a graduate of an approved school of nursing pending the results of the examination in Mississippi, and to a qualified applicant from another state, territory or possession of the United States, or District of Columbia, or pending licensure procedures as provided for elsewhere in this article. The fee shall not exceed Twenty-five Dollars (\$25.00).

(b) The board may issue a temporary permit for a period of ninety (90) days to a registered nurse who is currently licensed in another state,

territory or possession of the United States or the District of Columbia and who is an applicant for licensure by endorsement. Such permit is not renewable except by board action. The issuance of a temporary permit to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(c) The board may issue a temporary permit to a graduate of an approved school of nursing pending the results of the first licensing examination scheduled after application. Such permit is not renewable except by board action.

(d) The board may issue a temporary permit for a period of thirty (30) days to any registered nurse during the time enrolled in a nursing reorientation program. This time period may be extended by board action. The fee shall not exceed Twenty-five Dollars (\$25.00).

(e) The board may adopt such regulations as are necessary to limit the practice of persons to whom temporary permits are issued.

(7) **Temporary license.** — The board may issue a temporary license to practice nursing at a youth camp licensed by the State Board of Health to nonresident registered nurses and retired resident registered nurses under the provisions of Section 75-74-8.

(8) **Title and abbreviation.** — Any person who holds a license or holds the privilege to practice as a registered nurse in this state shall have the right to use the title “registered nurse” and the abbreviation “R.N.” No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that the person using the same is a registered nurse.

(9) **Registered nurses licensed under a previous law.** — Any person holding a license to practice nursing as a registered nurse issued by this board which is valid on July 1, 1981, shall thereafter be deemed to be licensed as a registered nurse under the provisions of this article upon payment of the fee provided in Section 73-15-27.

(10) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Codes, 1942, § 8806-10; Laws, 1970, ch. 420, § 10; Laws, 1976, ch. 356, § 4; Laws, 1977, ch. 353, § 1; Laws, 1981, ch. 428, § 2; Laws, 1981, ch. 449, § 9; Laws, 1983, ch. 485, § 10; reenacted, Laws, 1991, ch. 465, § 10; Laws, 1997, ch. 588, § 42; Laws, 2000, ch. 482, § 6; Laws, 2010, ch. 464, § 1; Laws, 2013, ch. 350, § 16, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence in (3) and (6)(b).

§ 73-15-21. Licensed practical nurses.

(1) **Licensed practical nurse applicant qualifications.** — Any applicant for a license to practice practical nursing as a licensed practical nurse shall submit to the board:

(a) An attested written application on a Board of Nursing form;

(b) A diploma from an approved high school or the equivalent thereof, as determined by the appropriate educational agency;

(c) Written official evidence of completion of a practical nursing program approved by the State Department of Education through its Division of Vocational Education, or one approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to this board;

(d) Evidence of competence in English related to nursing, provided the first language is not English;

(e) Any other official records required by the board.

In addition to the requirements specified in paragraphs (a) through (e) of this subsection, in order to qualify for a license to practice practical nursing as a licensed practical nurse, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-15-29 or guilty of any offense specified in Section 73-15-33. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of his or her fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

The board may, in its discretion, refuse to accept the application of any person who has been convicted of a criminal offense under any provision of Title 97 of the Mississippi Code of 1972, as now or hereafter amended, or any provision of this article.

(2) **Licensure by examination.** — (a) Upon the board being satisfied that an applicant for a license as a practical nurse has met the qualifications set forth in subsection (1) of this section, the board shall proceed to examine such applicant in such subjects as the board shall, in its discretion, determine. The subjects in which applicants shall be examined shall be in conformity with curricula in schools of practical nursing approved by the State Department of Education.

(b) The applicant shall be required to pass the written examination selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a licensed practical nurse.

(d) The board may use any part or all of the state board test pool examination for practical nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score shall be established by the board in its rules.

(3) **Licensure by endorsement.** — The board may issue a license to practice practical nursing as a licensed practical nurse without examination to an applicant who has been duly licensed as a licensed practical nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed practical nurses in this state and has previously achieved the passing score or scores on the licensing examination required by this state at the time of his or her graduation. The issuance of a license by endorsement to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(4) **Licensure by equivalent amount of theory and clinical experience.** — In the discretion of the board, former students of a state accredited school preparing students to become registered nurses may be granted permission to take the examination for licensure to practice as a licensed practical nurse, provided the applicant's record or transcript indicates the former student completed an equivalent amount of theory and clinical experiences as required of a graduate of a practical nursing program, and provided the school attended was, at the time of the student's attendance, an accredited school of nursing.

(5) **Requirements for rewriting the examination.** — The board shall establish in its rules the requirements for rewriting the examination for those persons failing the examination on the first writing or subsequent writing.

(6) **Fee.** — The applicant applying for a license by examination or by endorsement to practice as a licensed practical nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the board.

(7) **Temporary permit.** — (a) The board may issue a temporary permit to practice practical nursing to a graduate of an approved school of practical nursing pending the results of the examination in Mississippi, and to a qualified applicant from another state, territory or possession of the United States, or the District of Columbia, pending licensing procedures as provided for elsewhere in this article. The fee shall not exceed Twenty-five Dollars (\$25.00).

(b) The board may issue a temporary permit for a period of ninety (90) days to a licensed practical nurse who is currently licensed in another state, territory or possession of the United States or the District of Columbia and who is an applicant for licensure by endorsement. Such permit is not renewable except by board action. The issuance of a temporary permit to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(c) The board may issue a temporary permit to a graduate of an approved practical nursing education program or an equivalent program satisfactory to the board pending the results of the first licensing examination scheduled after application. Such permit is not renewable except by board action.

(d) The board may issue a temporary permit for a period of thirty (30) days to any licensed practical nurse during the time enrolled in a nursing reorientation program. This time period may be extended by board action. The fee shall not exceed Twenty-five Dollars (\$25.00).

(e) The board may adopt such regulations as are necessary to limit the practice of persons to whom temporary permits are issued.

(8) **Title and abbreviation.** — Any person who holds a license or holds the privilege to practice as a licensed practical nurse in this state shall have the right to use the title “licensed practical nurse” and the abbreviation “L.P.N.” No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that a person using the same is a licensed practical nurse.

(9) **Licensed practical nurses licensed under a previous law.** — Any person holding a license to practice nursing as a practical nurse issued by this board which is valid on July 1, 1981, shall thereafter be deemed to be licensed as a practical nurse under the provisions of this article upon payment of the fee prescribed in Section 73-15-27.

(10) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Codes, 1942, § 8806-11; Laws, 1970, ch. 420, § 11; Laws, 1976, ch. 356, § 5; Laws, 1977, ch. 353, § 2; Laws, 1981, ch. 449, § 10; Laws, 1983, ch. 485, § 11; reenacted, Laws, 1991, ch. 465, § 11; Laws, 1997, ch. 588, § 43; Laws, 2000, ch. 482, § 7; Laws, 2010, ch. 464, § 2; Laws, 2013, ch. 350, § 17, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence in (3) and (7)(b).

§ 73-15-25. Approval of schools of practical nursing.

In addition to all other powers and duties now vested by law in the State Department of Education, it is hereby empowered and required, acting in this behalf by and through its Division of Vocational Education, to:

1. Contract with the Mississippi Community College Board to establish by rules and regulations and promulgate uniform standards for the accredi-

tation of schools of practical nursing in this state insofar as concerns the eligibility of graduates of such schools to take the examination to become licensed practical nurses;

2. Contract with the Mississippi Community College Board to issue to such schools certificates of accreditation as may be proper under such standards.

SOURCES: Codes, 1942, § 8806-13; Laws, 1970, ch. 420, § 13; reenacted, 1983, ch. 485, § 12; reenacted, Laws, 1991, ch. 465, § 12; Laws, 2010, ch. 464, § 4; Laws, 2014, ch. 397, § 63, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “Mississippi Community College Board” for “State Board for Community and Junior Colleges” in (1) and (2).

ARTICLE 3.

HEMODIALYSIS TECHNICIANS.

SEC.

73-15-101. Statewide hemodialysis technician certification program created; practicing as certified hemodialysis technician prohibited unless certified under this section; powers of Board of Nursing; applicant qualifications; requirements for renewal of certification; fees.

§ 73-15-101. Statewide hemodialysis technician certification program created; practicing as certified hemodialysis technician prohibited unless certified under this section; powers of Board of Nursing; applicant qualifications; requirements for renewal of certification; fees.

(1) A statewide program for certification of hemodialysis technicians is created under the Mississippi Board of Nursing.

(2) Unless certified as a certified hemodialysis technician under this section, no person shall:

(a) Practice as a certified hemodialysis technician; or

(b) Use the title “certified hemodialysis technician,” “hemodialysis technician,” or other title, abbreviation, letters, figures, signs, or devices to indicate or imply that the person is a certified hemodialysis technician.

(3) The Board of Nursing is authorized and empowered to:

(a) Maintain a permanent register of all certified hemodialysis technicians;

(b) Adopt rules and regulations for certified hemodialysis technician training programs, including standards and curricula;

(c) Provide for periodic evaluation of training programs;

(d) Grant, deny or withdraw approval from a training program that fails to meet prescribed standards or fails to maintain a current contract with the board;

(e) Develop, maintain and administer a certification examination, or grant, deny or withdraw approval of a certification examination(s);

(f) Adopt rules and regulations for certification of hemodialysis technicians by examination, endorsement, renewal and reinstatement; however, the certification by endorsement of a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1; and

(g) Conduct disciplinary hearings of certified hemodialysis technicians concerning the restriction, denial, suspension, revocation and/or discipline of a certificate holder in any manner specified in rules and regulations of the board.

(4) Any applicant for certification to practice as a hemodialysis technician shall submit to the Board of Nursing:

(a) An attested written application on a Board of Nursing form;

(b) A diploma from an approved high school or the equivalent thereof, as determined by the appropriate education agency;

(c) Written official evidence of completion of a hemodialysis technician program approved by the Board of Nursing;

(d) Evidence of competence in English related to health care/nursing if the first language is not English;

(e) Written official evidence that the applicant has passed the certification examination as approved by the Board of Nursing; and

(f) Any other official records required by the Board of Nursing.

The Board of Nursing may, in its discretion, refuse to accept the application of any person who has been convicted of a criminal offense under any provision of Title 97 of the Mississippi Code of 1972, or any offense listed in Section 43-11-13(5), or any sex offense included in Section 45-33-23(h), as now or hereafter amended.

(5) Every certificate issued by the Board of Nursing to practice as a certified hemodialysis technician shall be renewed every two (2) years. The certified hemodialysis technician seeking renewal shall submit proof of employment as a certified hemodialysis technician, proof of having met continuing education requirements adopted by the Board of Nursing and any other official records required by the Board of Nursing.

(6) The Board of Nursing shall establish nonrefundable fees necessary for the administration of this section, including, but not limited to, fees for initial certification by initial or later examination, renewal of certification, reinstatement of a lapsed certificate, endorsement, initial review and approval of a training program, and later review and approval of a training program.

SOURCES: Laws, 2006, ch. 413, § 1; Laws, 2013, ch. 350, § 18, eff from and after July 1, 2013.

Joint Legislative Committee Note — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected a typographical error in a statutory reference in subsection (4). The reference to “Section 45-33-23(g)” was changed to “Section 45-33-23(h).” The Joint Committee ratified the correction at its August 1, 2013, meeting.

Amendment Notes — The 2013 amendment added the the language beginning “however, the certification by endorsement” at the end of (3)(f).

CHAPTER 17

Nursing Home Administrators

SEC.

73-17-11. Licensing of administrators; qualifications; examination; reciprocity; fees [Repealed effective July 1, 2015].

§ 73-17-11. Licensing of administrators; qualifications; examination; reciprocity; fees [Repealed effective July 1, 2015].

(1) From and after July 1, 2011, in order to be eligible to be licensed as a nursing home administrator, an individual must submit evidence satisfactory to the board that he or she:

(a) Is at least twenty-one (21) years of age;

(b) Is of good moral character, including evidence of a criminal background check within the last six (6) months, under Section 43-11-13 and Section G.407.3 of the Minimum Standards for Institutions for the Aged or Infirm;

(c) Is in good health;

(d) Has satisfied at least one (1) of the following requirements for education and experience:

(i) Has sixty-four (64) hours of college work from an accredited institution and has worked in a supervisory capacity in a Mississippi-licensed nursing home for a minimum of two (2) years immediately before making application for the Administrator-in-Training Program established by board rule;

(ii) Has an associate degree from an accredited institution and has worked in a supervisory capacity in a Mississippi-licensed nursing home for a minimum of two (2) years immediately before making application for the Administrator-in-Training Program established by board rule;

(iii) Has a bachelor's degree in any other field of study from an accredited institution before making application for the Administrator-in-Training Program established by board rule; or

(iv) Has a bachelor's degree in health care administration or a health care related field or business from an accredited institution before making application for the Administrator-in-Training Program established by board rule;

(e) Has (i) completed a nursing home Administrator-in-Training Program and successfully completed the National Association of Long-Term Care Administrator Board (NAB) examination, or (ii) completed an Administrator-in-Training Program in Long-Term Care Administration from an academic institution during which time the institution held National Association of Long-Term Care Administrator Board (NAB) Program Approval through the Academic Approval process, to the satisfaction of the board;

(f) Has successfully passed the National Association of Long-Term Care Administrator Board (NAB) examination and the Mississippi State Board of

Nursing Home Administrators examination to test his or her proficiency and basic knowledge in the area of nursing home administration. The board may establish the frequency of the offering of those examinations and the contents thereof; and

(g) Has met all of the requirements established by federal law.

(2) Reciprocity shall be extended to individuals holding licenses as nursing home administrators in other states, upon proper application and a finding on the part of the board that:

(a) The applicant possesses the basic qualifications listed in this chapter and in the rules and regulations adopted under federal law;

(b) The applicant has met all of the requirements established by federal law; and

(c) The standards for licensure in the other state are at least the substantial equivalent of those in this state, including education and experience, and the applicant has passed both the National Association of Long-Term Care Administrator Board (NAB) and the state exams.

The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(3) The board may prescribe appropriate fees for the taking of those examinations and for the issuance of licenses. Those fees shall be not more than the cost of the examinations and Five Hundred Dollars (\$500.00) for the issuance of a license. However, the fee for an initial license may be prorated in proportion to the period of time from the date of issuance and the date of biennial license renewal prescribed in subsection (4). All licenses issued under this chapter shall be for a maximum period of two (2) years.

(4) Except as provided in Section 33-1-39, the board may renew licenses biennially upon the payment of a fee to be established by the board, which shall be not more than Five Hundred Dollars (\$500.00), plus any administrative costs for late payment.

(5) Any person who is not licensed under this chapter on July 1, 2011, who makes application with the board on or before June 30, 2012, may qualify for a license under this chapter provided that on or before January 31, 2014, he or she demonstrates to the satisfaction of the board that he or she (a) meets the eligibility requirements for a nursing home administrator's license prescribed in this section as those requirements existed on June 30, 2011; (b) has successfully completed the Administrator-in-Training Program requirements existing on June 30, 2011; and (c) has paid all required fees for licensure.

(6) This section shall stand repealed on July 1, 2015.

SOURCES: Codes, 1942, § 8831-106; Laws, 1970, ch. 414, § 6; reenacted and amended, Laws, 1983, ch. 390, § 6; Laws, 1984, ch. 361; Laws, 1988, ch. 424; reenacted, Laws, 1991, ch. 466, § 6; Laws, 1996, ch. 458, § 1; Laws, 1997, ch. 588, § 44; Laws, 2002, ch. 578, § 1; Laws, 2007, ch. 309, § 15; Laws, 2011, ch. 542, § 1; Laws, 2012, ch. 367, § 1; Laws, 2013, ch. 350, § 19, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last paragraph of (2).

CHAPTER 19

Optometry and Optometrists

General Provisions	73-19-1
--------------------------	---------

GENERAL PROVISIONS

SEC. 73-19-25.	Certificates of other states; when and how recognized.
-------------------	--

§ 73-19-25. Certificates of other states; when and how recognized.

An applicant for a certificate of licensure who has been examined by the state board of another state which, through reciprocity, similarly accredits the holder of a certificate issued by the board of this state to the full privileges of practice within such state, on the payment of a fee of not more than Fifty Dollars (\$50.00) to the board and on filing in the office of the board a true and attested copy of the the license, certified by the president or secretary of the state board issuing the same, and showing also that the standard requirements adopted and enforced by the board are equal to that provided by this state, may, without further examination, receive a certificate of licensure, provided that such applicant has not previously failed at an examination held by the board of this state. The issuance of a certificate of licensure by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, Hemingway's 1921 Supp. § 6124m; 1930, § 5664; 1942, § 8844; Laws, 1920, ch. 217; Laws, 1956, ch. 305, § 7; reenacted and amended, Laws, 1983, ch. 438, § 13; reenacted, Laws, 1991, ch. 303, § 13; Laws, 2013, ch. 350, § 20, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence and made minor stylistic changes throughout.

CHAPTER 21

Pharmacists

Mississippi Pharmacy Practice Act	73-21-69
Pharmacy Benefit Prompt Pay Act	73-21-151

MISSISSIPPI PHARMACY PRACTICE ACT

SEC. 73-21-83.	Board to regulate practice of pharmacy; licensing of pharmacists; fees; persons holding license on July 1, 1991 [Repealed effective July 1, 2016].
73-21-87.	Requirements for pharmacist's license by reciprocity or license transfer [Repealed effective July 1, 2016].

- 73-21-91. Renewal of licenses; reinstatement upon failure to renew [Repealed effective July 1, 2016].
- 73-21-127. Board of Pharmacy to develop and implement computerized program to track certain prescriptions; report of suspected abuse and misuse of controlled substances; access to collected data; confidentiality; penalties for knowingly failing to submit or submitting incorrect dispensing information [Repealed effective July 1, 2016].

§ 73-21-75. State Board of Pharmacy; number, qualifications, appointment and terms of members; appointments made from names submitted by pharmacist association; filling of vacancies; removal of members [Repealed July 1, 2016].

Editor's Note — This section was reenacted without change by Laws, 2006, ch. 533, effective from after June 30, 2006. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Laws of 2014, ch. 365, § 1, provides:

“SECTION 1. The Department of Finance and Administration, acting on behalf of the Mississippi Board of Pharmacy, may sell and convey certain state-owned real property under possession of the Mississippi Board of Pharmacy located on Key Drive in Madison County, Mississippi, provided that the sale and conveyance is subject to the requirements of Section 29-1-1 and such other conditions authorized in this section. The property being more particularly described as follows:

“Being a part of Lot 2, Key Office Park, Madison, Mississippi, as recorded in Plat Cabinet C on Slide 136, of the Chancery records of Madison County, Mississippi, and being more particularly described as follows: Begin at a $\frac{5}{8}$ ” iron bar marking the Northeast corner of aforesaid Lot 2 and run thence S 11 degrees 40 minutes 33 seconds W, along the Eastern boundary of said Lot 2, 161.68 feet to the Southeast corner thereof: run thence N 83 degrees 10 minutes 11 seconds W, along the Southern boundary of said Lot 2, 77.75 feet to an iron bar; run thence N 7 degrees 20 minutes 52 seconds E, 35.76 feet to a point on the South face of a brick office building; continue thence N 7 degrees 20 minutes 52 seconds E, along the centerline of a 10 feet wide wall, and the Northerly projections thereof, 46.20 feet; run thence North 7 degrees 37 minutes 08 seconds E, 80.67 feet to the North boundary of aforesaid Lot 2, run thence S 82 degrees 12 minutes 11 seconds E, along the North boundary of said Lot and the South right-of-way line of Key Drive, 89.57 feet to the POINT OF BEGINNING.

“(2) The real property and the improvements thereon, described in subsection (1) of this section shall be sold for not less than the current fair market value as determined by the average of at least two (2) appraisals by qualified appraisers, one (1) of which shall be selected by the Department of Finance and Administration, and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

“(3) All monies derived from the sale of the property described in subsection (1) of this section shall be deposited into a special fund, designated as the ‘Mississippi Board of Pharmacy Property Fund,’ which is created in the State Treasury for the use and benefit of the Mississippi Board of Pharmacy in support of the Prescription Monitoring Program. Unexpended amounts remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund, and any interest earned on the amounts in the special fund shall be deposited to the credit of the special fund.

“(4) The Department of Finance and Administration may correct any discrepancies in the legal description provided in this section.

“(5) The State of Mississippi shall retain all mineral rights to the property sold under this section.”

§ 73-21-83. Board to regulate practice of pharmacy; licensing of pharmacists; fees; persons holding license on July 1, 1991 [Repealed effective July 1, 2016].

(1) The board shall be responsible for the control and regulation of the practice of pharmacy, to include the regulation of pharmacy externs or interns and pharmacist technicians, in this state, the regulation of the wholesaler distribution of drugs and devices as defined in Section 73-21-73, the distribution of sample drugs or devices by manufacturer's distributors as defined in Section 73-21-73 by persons other than the original manufacturer or distributor in this state and the regulation of pharmacy benefit managers as defined in Section 73-21-153.

(2) A license for the practice of pharmacy shall be obtained by all persons prior to their engaging in the practice of pharmacy. However, the provisions of this chapter shall not apply to physicians, dentists, veterinarians, osteopaths or other practitioners of the healing arts who are licensed under the laws of the State of Mississippi and are authorized to dispense and administer prescription drugs in the course of their professional practice.

(3) The initial licensure fee shall be set by the board but shall not exceed Two Hundred Dollars (\$200.00), except the initial licensure fee for pharmacy benefit managers shall be set by the board but shall not exceed Five Hundred Dollars (\$500.00).

(4) All students actively enrolled in a professional school of pharmacy accredited by the American Council on Pharmaceutical Education who are making satisfactory progress toward graduation and who act as an extern or intern under the direct supervision of a pharmacist in a location permitted by the Board of Pharmacy must obtain a pharmacy student registration prior to engaging in such activity. The student registration fee shall be set by the board but shall not exceed One Hundred Dollars (\$100.00).

(5) All persons licensed to practice pharmacy prior to July 1, 1991, by the State Board of Pharmacy under Section 73-21-89 shall continue to be licensed under the provisions of Section 73-21-91.

(6) This section shall stand repealed on July 1, 2016.

SOURCES: Laws, 1983, ch. 414, § 7; Laws, 1991, ch. 527, § 7; Laws, 1993, ch. 416, § 8; Laws, 1994, ch. 513, § 2; Laws, 1997, ch. 441, § 1; reenacted without change, Laws, 1998, ch. 511, § 8; reenacted without change, Laws, 2002, ch. 501, § 8; reenacted without change, Laws, 2006, ch. 533, § 8; reenacted and amended, Laws, 2011, ch. 546, § 29; Laws, 2013, ch. 541, § 1, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment extended the repealer provision from “July 1, 2013” to “July 1, 2016” in (6).

§ 73-21-87. Requirements for pharmacist's license by reciprocity or license transfer [Repealed effective July 1, 2016].

(1) To obtain a license to engage in the practice of pharmacy by reciprocity or license transfer, the applicant shall:

(a) Have submitted a written application on the form prescribed by the board;

(b) Be of good moral character;

(c) Have possessed at the time of initial licensure as a pharmacist such other qualifications necessary to have been eligible for licensure at that time in that state;

(d) Have presented to the board proof that any license or licenses granted to the applicant by any other states have not been suspended, revoked, cancelled or otherwise restricted for any reason except nonrenewal or the failure to obtain required continuing education credits; and

(e) Have paid all fees specified by the board for licensure.

(2) No applicant shall be eligible for licensure by reciprocity or license transfer unless the state in which the applicant was initially licensed also grants a reciprocal license or transfer license to pharmacists licensed by this state under like circumstances and conditions.

(3) The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(4) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Laws, 1983, ch. 414, § 9; Laws, 1991, ch. 527, § 9; reenacted, Laws, 1993, ch. 416, § 10; Laws, 1995, ch. 513, § 4; Laws, 1997, ch. 588, § 47; reenacted without change, Laws, 1998, ch. 511, § 10; reenacted without change, Laws, 2002, ch. 501, § 10; reenacted without change, Laws, 2006, ch. 533, § 10; reenacted without change, Laws, 2011, ch. 546, § 9; Laws, 2013, ch. 350, § 21, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Laws of 2011, ch. 546, effective from and after April 26, 2011.

Amendment Notes — The 2013 amendment added (3); and redesignated former (3) as (4) and deleted "Mississippi Code of 1972" from the end.

§ 73-21-91. Renewal of licenses; reinstatement upon failure to renew [Repealed effective July 1, 2016].

(1) Every pharmacist shall renew his license annually. To renew his license, a pharmacist shall:

(a) Submit an application for renewal on the form prescribed by the board;

(b) Submit satisfactory evidence of the completion in the last licensure period of such continuing education units as shall be required by the board, but in no case less than one (1) continuing education unit in the last licensure period;

(c)(i) Pay any renewal fees as required by the board, not to exceed One Hundred Dollars (\$100.00) for each annual licensing period, provided that the board may add a surcharge of not more than Five Dollars (\$5.00) to a license renewal fee to fund a program to aid impaired pharmacists or pharmacy students. Any pharmacist license renewal received postmarked after December 31 of the renewal period will be returned and a Fifty Dollar (\$50.00) late renewal fee will be assessed before renewal.

(ii) The license fee for a pharmacy benefit manager shall be set by the board, but shall not exceed Five Hundred Dollars (\$500.00). Any license renewal received postmarked after December 31 of the renewal period will be returned and a Five Hundred Dollar (\$500.00) late renewal fee will be assessed before renewal.

(2) Any pharmacist who has defaulted in license renewal may be reinstated within two (2) years upon payment of renewal fees in arrears and presentation of evidence of the required continuing education. Any pharmacist defaulting in license renewal for a period in excess of two (2) years shall be required to successfully complete the examination given by the board pursuant to Section 73-21-85 before being eligible for reinstatement as a pharmacist in Mississippi, or shall be required to appear before the board to be examined for his competence and knowledge of the practice of pharmacy, and may be required to submit evidence of continuing education. If the person is found fit by the board to practice pharmacy in this state, the board may reinstate his license to practice pharmacy upon payment of all renewal fees in arrears.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

(4) This section shall stand repealed on July 1, 2016.

SOURCES: Laws, 1983, ch. 414, § 11; Laws, 1991, ch. 527, § 11; Laws, 1993, ch. 416, § 12; Laws, 1997, ch. 327, § 1; Laws, 1997, ch. 588, § 49; reenacted without change, Laws, 1998, ch. 511, § 12; reenacted without change, Laws, 2002, ch. 501, § 12; reenacted and amended, Laws, 2006, ch. 533, § 12; Laws, 2007, ch. 309, § 17; Laws, 2009, ch. 377, § 1; Laws, 2010, ch. 316, § 1; reenacted and amended, Laws, 2011, ch. 546, § 30; Laws, 2013, ch. 541, § 2, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment extended the repealer provision from “July 1, 2013” to “July 1, 2016” in (4).

§ 73-21-127. Board of Pharmacy to develop and implement computerized program to track certain prescriptions; report of suspected abuse and misuse of controlled substances; access to collected data; confidentiality; penalties for knowingly failing to submit or submitting incorrect dispensing information [Repealed effective July 1, 2016].

The Board of Pharmacy shall develop and implement a computerized program to track prescriptions for controlled substances and to report suspected abuse and misuse of controlled substances in compliance with the

federal regulations promulgated under authority of the National All Schedules Prescription Electronic Reporting Act of 2005 and in compliance with the federal HIPAA law, under the following conditions:

(a) Reporting of dispensing information shall be mandatory and required by the State Board of Pharmacy for any entity dispensing controlled substances in or into the State of Mississippi, except for the dispensing of controlled substance drugs prescribed by a veterinarian residing in the State of Mississippi.

(b) The prescriptions tracked shall be prescriptions for controlled substances listed in Drug Enforcement Agency Schedule II, III, IV or V and specified noncontrolled substances authorized by the State Board of Pharmacy that are dispensed to residents in the State of Mississippi by licensed pharmacies, nonresident pharmacies, institutions and dispensing practitioners, regardless of dispenser location.

(c) The Board of Pharmacy shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide them with the relevant information obtained for further investigation.

(d) The program shall provide information regarding the potential inappropriate use of controlled substances and the specified noncontrolled substances to practitioners, pharmacists-in-charge and appropriate state agencies in order to prevent the inappropriate or illegal use of these controlled substances. The specific purposes of the program shall be to: be proactive in safeguarding public health and safety; support the legitimate use of controlled substances; facilitate and encourage the identification, intervention with and treatment of individuals addicted to controlled substances and specified noncontrolled drugs; identify and prevent drug diversion; provide assistance to those state and federal law enforcement and regulatory agencies investigating cases of drug diversion or other misuse; and inform the public and health care professionals of the use and abuse trends related to controlled substance and specified noncontrolled drugs.

(e)(i) Access to collected data shall be confidential and not subject to the provisions of the federal Freedom of Information Act or the Mississippi Open Records Act. Upon request, the State Board of Pharmacy shall provide collected information to: pharmacists or practitioners who are properly registered with the State Board of Pharmacy and are authorized to prescribe or dispense controlled substances for the purpose of providing medical and pharmaceutical care for their patients; local, state and federal law enforcement officials engaged in the administration, investigation or enforcement of the laws governing illicit drug use; regulatory and licensing boards in this state; Division of Medicaid regarding Medicaid and Medicare Program recipients; judicial authorities under grand jury subpoena; an individual who requests the individual's own prescription monitoring information; and prescription monitoring programs in other states through mutual agreement adhering to State Board of Pharmacy policies.

(ii) The Director of the Mississippi Bureau of Narcotics, or his designee, shall have access to the Prescription Monitoring Program (PMP) database for the purpose of investigating the potential illegal acquisition, distribution, dispensing, prescribing or administering of the controlled and noncontrolled substances monitored by the program, subject to all legal restrictions on further dissemination of the information obtained.

(iii) The State Board of Pharmacy may also provide generic, nonidentifying statistical data for research or educational purposes.

(f) A dispenser pharmacist or practitioner licensed to dispense controlled substances and specified noncontrolled substance drugs who knowingly fails to submit drug monitoring information or knowingly submits incorrect dispensing information shall be subject to actions against the pharmacist's or practitioner's license, registrations or permit and/or an administrative penalty as provided in Sections 73-21-97 and 73-21-103.

(g) "Practitioner," as used in this section, shall include any person licensed, registered or otherwise permitted to distribute, dispense, prescribe or administer a controlled substance, as defined under Section 41-29-105(y).

(h) In addition to any funds appropriated by the Legislature, the State Board of Pharmacy may apply for any available grants and accept any gifts, grants or donations to assist in future development or in maintaining the program.

(i) This section shall stand repealed on July 1, 2016.

SOURCES: Laws, 2006, ch. 533, § 29; Laws, 2008, ch. 516, § 1; Laws, 2011, ch. 533, § 1; Laws, 2011, ch. 546, § 35; Laws, 2014, ch. 324, § 1, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment added the exception at the end of (a); substituted "and dispensing practitioners regardless of dispenser location" for "dispensing practitioners and the dispenser of veterinary controlled substance drugs regardless of dispenser location" at the end of (b); deleted "or court order" following "under grand jury subpoena" near the end of the second sentence of (e)(i); and extended the repealer provision from "July 1, 2014" to "July 1, 2016" in (i).

PHARMACY BENEFIT PROMPT PAY ACT

SEC.

73-21-153. Definitions.

73-21-157. License required to do business as pharmacy benefit manager; pharmacy benefit managers to file certain financial statements with State Board of Pharmacy; time period for filing statements [Repealed effective July 1, 2016].

73-21-159. Financial examination of pharmacy benefit manager [Repealed effective July 1, 2016].

§ 73-21-153. Definitions.

For purposes of Sections 73-21-151 through 73-21-159, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

- (a) “Board” means the State Board of Pharmacy.
- (b) “Commissioner” means the Mississippi Commissioner of Insurance.
- (c) “Day” means a calendar day, unless otherwise defined or limited.
- (d) “Electronic claim” means the transmission of data for purposes of payment of covered prescription drugs, other products and supplies, and pharmacist services in an electronic data format specified by a pharmacy benefit manager and approved by the department.
- (e) “Electronic adjudication” means the process of electronically receiving, reviewing and accepting or rejecting an electronic claim.
- (f) “Enrollee” means an individual who has been enrolled in a pharmacy benefit management plan.
- (g) “Health insurance plan” means benefits consisting of prescription drugs, other products and supplies, and pharmacist services provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as prescription drugs, other products and supplies, and pharmacist services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a health insurance issuer, unless preempted as an employee benefit plan under the Employee Retirement Income Security Act of 1974. However, “health insurance coverage” shall not include benefits due under the workers compensation laws of this or any other state.
- (h) “Pharmacy benefit manager” shall have the same definition as provided in Section 73-21-179. However, through June 30, 2014, the term “pharmacy benefit manager” shall not include an insurance company that provides an integrated health benefit plan and that does not separately contract for pharmacy benefit management services. From and after July 1, 2014, the term “pharmacy benefit manager” shall not include an insurance company unless the insurance company is providing services as a pharmacy benefit manager as defined in Section 73-21-179, in which case the insurance company shall be subject to Sections 73-21-151 through 73-21-159 only for those pharmacy benefit manager services. In addition, the term “pharmacy benefit manager” shall not include the pharmacy benefit manager of the Mississippi State and School Employees Health Insurance Plan or the Mississippi Division of Medicaid or its contractors when performing pharmacy benefit manager services for the Division of Medicaid.
- (i) “Pharmacy benefit management plan” shall have the same definition as provided in Section 73-21-179.
- (j) “Pharmacist,” “pharmacist services” and “pharmacy” or “pharmacies” shall have the same definitions as provided in Section 73-21-73.
- (k) “Uniform claim form” means a form prescribed by rule by the State Board of Pharmacy; however, for purposes of Sections 73-21-151 through 73-21-159, the board shall adopt the same definition or rule where the State Department of Insurance has adopted a rule covering the same type of claim. The board may modify the terminology of the rule and form when necessary to comply with the provisions of Sections 73-21-151 through 73-21-159.

(l) “Plan sponsors” means the employers, insurance companies, unions and health maintenance organizations that contract with a pharmacy benefit manager for delivery of prescription services.

SOURCES: Laws, 2006, ch. 533, § 32; Laws, 2013, ch. 541, § 3, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment rewrote (h) and (i); and made minor stylistic changes.

§ 73-21-157. License required to do business as pharmacy benefit manager; pharmacy benefit managers to file certain financial statements with State Board of Pharmacy; time period for filing statements [Repealed effective July 1, 2016].

(1) Before beginning to do business as a pharmacy benefit manager, a pharmacy benefit manager shall obtain a license to do business from the board. To obtain a license, the applicant shall submit an application to the board on a form to be prescribed by the board.

(2) Each pharmacy benefit manager providing pharmacy management benefit plans in this state shall file a statement with the board annually by March 1 or within sixty (60) days of the end of its fiscal year if not a calendar year. The statement shall be verified by at least two (2) principal officers and shall cover the preceding calendar year or the immediately preceding fiscal year of the pharmacy benefit manager.

(3) The statement shall be on forms prescribed by the board and shall include:

(a) A financial statement of the organization, including its balance sheet and income statement for the preceding year; and

(b) Any other information relating to the operations of the pharmacy benefit manager required by the board under this section.

However, no pharmacy benefit manager shall be required to disclose proprietary information of any kind to the board.

(4) If the pharmacy benefit manager is audited annually by an independent certified public accountant, a copy of the certified audit report shall be filed annually with the board by June 30 or within thirty (30) days of the report being final.

(5) The board may extend the time prescribed for any pharmacy benefit manager for filing annual statements or other reports or exhibits of any kind for good cause shown. However, the board shall not extend the time for filing annual statements beyond sixty (60) days after the time prescribed by subsection (1) of this section. The board may waive the requirements for filing financial information for the pharmacy benefit manager if an affiliate of the pharmacy benefit manager is already required to file such information under current law with the Commissioner of Insurance and allow the pharmacy benefit manager to file a copy of documents containing such information with the board in lieu of the statement required by this section.

(6) The expense of administering this section shall be assessed annually by the board against all pharmacy benefit managers operating in this state.

(7) This section shall stand repealed on July 1, 2016.

SOURCES: Laws, 2006, ch. 533, § 34; Laws, 2011, ch. 546, § 31; Laws, 2013, ch. 541, § 4, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment extended the repealer provision from “July 1, 2013” to “July 1, 2016” in (7).

§ 73-21-159. Financial examination of pharmacy benefit manager [Repealed effective July 1, 2016].

(1) In lieu of or in addition to making its own financial examination of a pharmacy benefit manager, the board may accept the report of a financial examination of other persons responsible for the pharmacy benefit manager under the laws of another state certified by the applicable official of such other state.

(2) The board shall coordinate financial examinations of a pharmacy benefit manager that provides pharmacy management benefit plans in this state to ensure an appropriate level of regulatory oversight and to avoid any undue duplication of effort or regulation. The pharmacy benefit manager being examined shall pay the cost of the examination. The cost of the examination shall be deposited in a special fund that shall provide all expenses for the licensing, supervision and examination of all pharmacy benefit managers subject to regulation under Sections 73-21-71 through 73-21-129 and Sections 73-21-151 through 73-21-159.

(3) The board may provide a copy of the financial examination to the person or entity who provides or operates the health insurance plan or to a pharmacist or pharmacy.

(4) The board is authorized to hire independent financial consultants to conduct financial examinations of a pharmacy benefit manager and to expend funds collected under this section to pay the costs of such examinations.

(5) This section shall stand repealed on July 1, 2016.

SOURCES: Laws, 2006, ch. 533, § 35; Laws, 2011, ch. 546, § 32; Laws, 2013, ch. 541, § 5, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment extended the repealer provision from “July 1, 2013” to “July 1, 2016” in (5).

CHAPTER 23

Physical Therapists

SEC.

73-23-51. Licensing of physical therapists or physical therapist assistants trained in another state; licensing of physical therapists trained in foreign country; examination requirements.

73-23-53. Temporary license.

§ 73-23-51. Licensing of physical therapists or physical therapist assistants trained in another state; licensing of physical therapists trained in foreign country; examination requirements.

(1) The board may license as a physical therapist or as a physical therapist assistant, and furnish a certificate of licensure without examination to, any applicant who presents evidence, satisfactory to the board, of having passed an examination before a similar lawfully authorized examining agency or board in physical therapy of another state or the District of Columbia, if the standards for registration in physical therapy or for licensure as a physical therapist assistant in such other state or district are determined by the board to be as high as those of this state. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(2) Any person who has been trained as a physical therapist in a foreign country and desires to be licensed under this chapter and who: (a) is of good moral character; (b) holds a diploma from an educational program for physical therapists approved by the board; (c) submits documentary evidence to the board that he has completed a course of professional instruction substantially equivalent to that obtained by an applicant for licensure; (d) demonstrates satisfactory proof of proficiency in the English language; and (e) meets other requirements established by rules of the board, may make application on a form furnished by the board for examination as a foreign-trained physical therapist. At the time of making such application, the applicant shall pay the fee prescribed by the board, no portion of which shall be returned.

Any person who desires to be licensed under this subsection shall take an examination approved by the board and shall obtain a permanent license. If this requirement is not met, the license of the foreign-trained therapist may be revoked.

SOURCES: Laws, 1980, ch. 543, § 11; reenacted, Laws, 1988, ch. 331, § 11; Laws, 1989, ch. 528, § 8; Laws, 1990, ch. 501, § 9; Laws, 1992, ch. 376, § 2; Laws, 2002, ch. 449, § 8; Laws, 2008, ch. 448, § 9; Laws, 2013, ch. 350, § 22, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence of (1).

§ 73-23-53. Temporary license.

(1) A temporary license to practice as a physical therapist or physical therapist assistant may be granted to those persons meeting the requirements stated in Section 73-23-47 and who (a) have not taken the approved examination, or (b) have taken the approved examination but have not received the results of the examination. The temporary license shall be granted for a period not to exceed ninety (90) days. Any physical therapist granted a temporary

license under the provisions of this subsection shall restrict his practice to the State of Mississippi and shall be under the direct supervision of a physical therapist licensed in Mississippi (physical therapy assistants shall be under the direct on-site supervision of a Mississippi licensed physical therapist). Documentation verifying the supervision shall be on file with the board before a temporary license is granted.

(2) The board may by rule provide for the issuance of a temporary license to a physical therapist or a physical therapist assistant licensed in another state who is moving into the state and has filed an application with the board for a permanent license in this state. This temporary license will be granted for a period not to exceed sixty (60) days. The issuance of a temporary license to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(3) Any person granted a temporary license who is required to take the approved examination and fails to take the exam as required by the board or does not pass the required exam shall have the temporary license automatically expire by operation of law and without further action of the board and no license of any type shall be issued until such person has passed an approved examination.

(4) Any person who has taken but not passed the required examination in this or another jurisdiction shall not be eligible for a license of any type until an approved examination is passed.

(5) Any person who has been trained as a physical therapist or physical therapist assistant in a foreign country and desires to be temporarily licensed under this subsection shall, in addition to satisfying such other requirements established by the board, demonstrate proficiency in the English language and meet the other requirements of Section 73-23-51(2) before such temporary license shall be issued.

(6) During a lawfully declared local, state or national disaster or emergency, the board may issue a temporary license to any otherwise qualified physical therapist or physical therapist assistant licensed and in good standing in another state or territory of the United States and who meets such other requirements as the board may prescribe by rule and regulation.

SOURCES: Laws, 1980, ch. 543, § 12; reenacted, Laws, 1988, ch. 331, § 12; Laws, 1989, ch. 528, § 9; Laws, 1992, ch. 376, § 3; Laws, 1997, ch. 475, § 3; Laws, 2002, ch. 449, § 9; Laws, 2008, ch. 448, § 10; Laws, 2013, ch. 350, § 23, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence of (2).

CHAPTER 24

Mississippi Occupational Therapy Practice Act

SEC.

73-24-21.

Grant of license to persons registered or certified by American Occupational Therapy Association; waiver of licensing requirements; persons licensed in another state; foreign trained persons.

§ 73-24-21. Grant of license to persons registered or certified by American Occupational Therapy Association; waiver of licensing requirements; persons licensed in another state; foreign trained persons.

(1) The board shall grant a license to any person certified prior to July 1, 1988, as an Occupational Therapist Registered (OTR) or a Certified Occupational Therapy Assistant (COTA) by the American Occupational Therapy Association (AOTA). The board may waive the examination, education or experience requirements and grant a license to any person certified by AOTA after July 1, 1988, if the board determines the requirements for such certification are equivalent to the requirements for licensure in this chapter.

(2) The board may waive the examination, education or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this chapter. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(3) Foreign trained occupational therapists and occupational therapy assistants shall satisfy the examination requirements of Section 73-24-19. The board shall require foreign trained applicants to furnish proof of good moral character and completion of educational and supervised fieldwork requirements substantially equal to those contained in Section 73-24-19 before taking the examination.

SOURCES: Laws, 1988, ch. 451, § 11; Laws, 2001, ch. 424, § 8; Laws, 2013, ch. 350, § 24, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence of (2); and made minor stylistic changes.

CHAPTER 25

Physicians

General Provisions	73-25-1
--------------------------	---------

GENERAL PROVISIONS

SEC.	
73-25-21.	Licensees from other states or Canada may be granted license without examination; affiliation with boards of medical examiners.
73-25-23.	Licensing of graduates of foreign medical schools.
73-25-29.	Nonissuance, suspension, revocation, restriction, denial of reinstatement, or denial of renewal of license; grounds [Paragraph (14) repealed effective July 1, 2016].
73-25-37.	Liability of physician, dentist, nurse, emergency medical technician,

etc., for rendering emergency care; immunity from civil liability for good faith use of automated external defibrillator by person untrained in its use; immunity from civil liability for good faith use of auto-injectable epinephrine by trained school personnel.

§ 73-25-21. Licensees from other states or Canada may be granted license without examination; affiliation with boards of medical examiners.

The State Board of Medical Licensure may grant license to practice medicine without examination as to learning to graduates in medicine or osteopathic medicine who hold license to practice medicine from another state, provided the requirements in such state are equal to those required by the State Board of Medical Licensure. The State Board of Medical Licensure may affiliate with and recognize for the purpose of waiving examination diplomates of the National Board of Medical Examiners, or the National Board of Examiners for Osteopathic Physicians and Surgeons in granting license to practice medicine in Mississippi. In addition, the board may grant a license to practice medicine without examination to Licentiates of the Medical Council of Canada (LMCC) who are graduates of Canadian medical schools which are accredited by the Liaison Committee on Medical Education, as sponsored by the American Medical Association and the Association of American Medical Colleges, and by the Committee for Accreditation of Canadian Medical Schools, as sponsored by the Canadian Medical Association and the Association of Canadian Medical Colleges.

The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, 1906, § 3693; Hemingway's 1917, § 6378; 1930, § 5860; 1942, § 8890; Laws, 1924, ch. 316; Laws, 1973, ch. 307, § 8; Laws, 1980, ch. 415; Laws, 1980, ch. 458, § 14; Laws, 1981, ch. 313, § 1; Laws, 2013, ch. 350, § 25, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment deleted “and it is further provided that” from the end of the first sentence in the first paragraph; and added the second paragraph.

§ 73-25-23. Licensing of graduates of foreign medical schools.

The State Board of Medical Licensure is hereby authorized and empowered to grant limited institutional license for the practice of medicine in state institutions to graduates of foreign medical colleges approved by the National Educational Council for Foreign Medical Graduates or its successor, subject to the conditions as set out herein.

Any graduate of a foreign medical college approved by the organizations specified in the foregoing paragraph who is employed or is being considered for employment to practice medicine in one or more Mississippi state-supported institution(s) located in the same county shall make application for license to the State Board of Medical Licensure. The application shall be made on a form

prescribed by the Board of Medical Licensure as required by laws of the State of Mississippi. The application shall also state the institution or institutions in which the applicant has assurance of employment. The State Board of Medical Licensure is hereby authorized to establish minimum standards of qualifications including moral, experience and proficiency for such applicants. The application and the board's recommendation shall be forwarded to the board of trustees and director of the institution(s) in which the applicant wishes to practice.

Upon receipt of such approved application from the State Board of Medical Licensure, the board of trustees or the governing authority and director of the institution or health center shall submit the application for review to the local medical society, the member of the Board of Trustees of the State Medical Association of that district and the member of the State Board of Medical Licensure of the district in which the institution is located. A formal recommendation from each of these, along with that of the board of trustees and director of the institution, shall become a part of the application, and shall then be returned to the State Board of Medical Licensure. If a majority of the recommendations are in favor of the applicant, the State Board of Medical Licensure may, in its discretion, issue a limited license to practice medicine. The holder of such a license shall be subject to all the laws of the State of Mississippi governing the practice of medicine.

Such license shall be for one (1) year and shall be in such form as the State Board of Medical Licensure shall prescribe, and shall be issued for practice in a particular institution and shall not be endorsable to another state. The license must be renewed annually, after such review as the State Board of Medical Licensure considers necessary. A graduate of a foreign medical school so licensed may hold such limited institutional license no longer than five (5) years. However, any graduate of a foreign medical school so licensed and employed by any state institution on January 1, 1981, shall not be subject to the five-year limitation created hereby. In addition, the State Board of Medical Licensure, in its discretion, may waive the five-year limitation on limited institutional licenses for any graduate of a foreign medical school who holds such license.

It is the intent of this section to enable Mississippi institutions to utilize the services of qualified graduates of foreign medical colleges during the period necessary for them to secure citizenship papers, and to meet other requirements for a regular license, including Educational Council for Foreign Medical Graduates certification. The State Board of Medical Licensure is hereby authorized, in its discretion, to refuse to renew, or to revoke such limited license if the holder of such license has failed to avail himself of the opportunity to take the examination for regular licensure after becoming eligible for such examination.

The State Board of Medical Licensure may establish reasonable and uniform license fees and shall make such rules and regulations as it considers necessary to carry out the purposes of this section.

The State Board of Medical Licensure is hereby authorized and directed to grant a full license for the practice of medicine to a graduate of a foreign

medical school who has previously been granted an institutional license in one or more Mississippi state-supported institutions for a twenty-nine-year period of time and who on July 1, 2001, was serving as director of a Mississippi state-supported hospital and who has passed the clinical competency part of the Flex Examination for the State of Mississippi.

SOURCES: Codes, 1942, § 8886.5; Laws, 1971, ch. 323, § 1; Laws, 1980, ch. 458, § 15; Laws, 1983, ch. 427; Laws, 1987, ch. 453; Laws, 2001, ch. 318, § 1; Laws, 2002, ch. 370, § 1; Laws, 2013, ch. 492, § 1, eff from and after passage (approved April 15, 2013.)

Amendment Notes — The 2013 amendment inserted “In addition” at the beginning of the fifth sentence and deleted “other” preceding “graduate of a foreign medical school who holds such license” in the last sentence of the fourth paragraph.

§ 73-25-27. Suspension or revocation of license; notice and opportunity for hearing; appeal; subpoena power; validity of suspended or revoked license.

RESEARCH REFERENCES

ALR. Wrongful or Excessive Prescription of Drugs as Ground for Revocation or Suspension of Physician's or Dentist's License to Practice. 19 A.L.R. 6th 577.

Pretrial Discovery in Disciplinary Proceedings Against Physician. 65 A.L.R.6th 295.

§ 73-25-29. Nonissuance, suspension, revocation, restriction, denial of reinstatement, or denial of renewal of license; grounds [Paragraph (14) repealed effective July 1, 2016].

The grounds for the nonissuance, suspension, revocation or restriction of a license or the denial of reinstatement or renewal of a license are:

(1) Habitual personal use of narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability.

(2) Habitual use of intoxicating liquors, or any beverage, to an extent which affects professional competency.

(3) Administering, dispensing or prescribing any narcotic drug, or any other drug having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice.

(4) Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(5) Procuring, or attempting to procure, or aiding in, an abortion that is not medically indicated.

(6) Conviction of a felony or misdemeanor involving moral turpitude, a certified copy of the conviction order or judgment rendered by the trial court

being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(7) Obtaining or attempting to obtain a license by fraud or deception.

(8) Unprofessional conduct, which includes, but is not limited to:

(a) Practicing medicine under a false or assumed name or impersonating another practitioner, living or dead.

(b) Knowingly performing any act which in any way assists an unlicensed person to practice medicine.

(c) Making or willfully causing to be made any flamboyant claims concerning the licensee's professional excellence.

(d) Being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

(e) Obtaining a fee as personal compensation or gain from a person on fraudulent representation of a disease or injury condition generally considered incurable by competent medical authority in the light of current scientific knowledge and practice can be cured or offering, undertaking, attempting or agreeing to cure or treat the same by a secret method, which he refuses to divulge to the board upon request.

(f) Use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs such certificate.

(g) Failing to identify a physician's school of practice in all professional uses of his name by use of his earned degree or a description of his school of practice.

(9) The refusal of a licensing authority of another state or jurisdiction to issue or renew a license, permit or certificate to practice medicine in that jurisdiction or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by such licensing authority which prevents or restricts practice in that jurisdiction, a certified copy of the disciplinary order or action taken by the other state or jurisdiction being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(10) Surrender of a license or authorization to practice medicine in another state or jurisdiction or surrender of membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this section.

(11) Final sanctions imposed by the United States Department of Health and Human Services, Office of Inspector General or any successor federal agency or office, based upon a finding of incompetency, gross misconduct or failure to meet professionally recognized standards of health care; a certified copy of the notice of final sanction being prima facie evidence thereof. As used in this paragraph, the term "final sanction" means the written notice to a physician from the United States Department of Health

and Human Services, Officer of Inspector General or any successor federal agency or office, which implements the exclusion.

(12) Failure to furnish the board, its investigators or representatives information legally requested by the board.

(13) Violation of any provision(s) of the Medical Practice Act or the rules and regulations of the board or of any order, stipulation or agreement with the board.

(14) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, 2016.

(15) Performing or inducing an abortion on a woman in violation of any provision of Sections 41-41-131 through 41-41-145.

In addition to the grounds specified above, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SOURCES: Codes, 1942, § 8893.1; Laws, 1964, ch. 430, § 2; Laws, 1973, ch. 307, § 10; Laws, 1978, ch. 351, § 1; Laws, 1987, ch. 497; Laws, 1989, ch. 314, § 1; Laws, 1996, ch. 507, § 57; Laws, 1997, ch. 564, § 1; Laws, 2012, ch. 409, § 9; Laws, 2014, ch. 506, § 10, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment added (15).

§ 73-25-37. Liability of physician, dentist, nurse, emergency medical technician, etc., for rendering emergency care; immunity from civil liability for good faith use of automated external defibrillator by person untrained in its use; immunity from civil liability for good faith use of auto-injectable epinephrine by trained school personnel.

(1) No duly licensed, practicing physician, physician assistant, dentist, registered nurse, licensed practical nurse, certified registered emergency medical technician, or any other person who, in good faith and in the exercise of reasonable care, renders emergency care to any injured person at the scene of an emergency, or in transporting the injured person to a point where medical assistance can be reasonably expected, shall be liable for any civil damages to the injured person as a result of any acts committed in good faith and in the exercise of reasonable care or omissions in good faith and in the exercise of

reasonable care by such persons in rendering the emergency care to the injured person.

(2)(a) Any person who in good faith, with or without compensation, renders emergency care or treatment by the use of an Automated External Defibrillator (AED) in accordance with the provisions of Sections 41-60-31 through 41-60-35, as well as the person responsible for the site where the AED is located if the person has provided for compliance with the provisions of Sections 41-60-31 through 41-60-35, shall be immune from civil liability for any personal injury as a result of that care or treatment, or as a result of any act, or failure to act, in providing or arranging further medical treatment, where the person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances and the person's actions or failure to act does not amount to willful or wanton misconduct or gross negligence.

(b) A person who has not complied with the provisions of Sections 41-60-31 through 41-60-35, but who has access to an AED and uses it in good faith in an emergency as an ordinary prudent person would have done in the same or similar circumstances, shall be immune from civil liability for any personal injury as a result of an act or omission related to the operation of or failure to operate an AED if the person's actions or failure to act do not amount to willful or wanton misconduct or gross negligence.

(3) Any employee of a local public school district, a private school, or parochial school, trained in the administration of auto-injectable epinephrine, who provides, administers, or assists in the administration of auto-injectable epinephrine, in accordance with the provisions of Section 37-11-71, to a student believed in good faith to be having an anaphylactic reaction, shall be immune from civil liability for any personal injury as a result of that care or treatment if the employee's actions or failure to act do not amount to willful or wanton misconduct or gross negligence.

(4) The immunity from civil liability for any personal injury under subsection (2) of this section includes the licensed physician who authorizes, directs or supervises the installation or provision of AED equipment in or on any premises or conveyance other than a medical facility, the owner of the premises where an AED is used, the purchaser of the AED, a person who uses an AED during an emergency for the purpose of attempting to save the life of another person who is or who appears to be in cardiac arrest, and the person who provides the CPR and AED training.

(5) The immunity from civil liability for any personal injury under subsection (3) of this section includes the licensed physician who prescribes the auto-injectable epinephrine, the school district, or any other entity, that legally obtained the auto-injectable epinephrine, and the person who provides the training in the administration of auto-injectable epinephrine.

(6) The immunity from civil liability under subsection (2) and subsection (3) of this section does not apply if the personal injury results from the gross negligence or willful or wanton misconduct of the person rendering the emergency care.

SOURCES: Codes, 1942, § 8893.5; Laws, 1962, ch. 413; Laws, 1964, ch. 431; Laws, 1975, ch. 329; Laws, 1976, ch. 405; Laws, 1979, ch. 376, § 1; Laws, 1999, ch. 489, § 4; Laws, 2007, ch. 428, § 1; Laws, 2014, ch. 464, § 2, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment added (3) and (5) and redesignated former (3) and (4) as present (4) and (6); in present (6), inserted “and subsection (3)” following “liability under subsection (2).”

MEDICAL DISCIPLINE AT BEHEST OF PHYSICIAN MEMBERS OF STATE BOARD OF MEDICAL LICENSURE

§ 73-25-83. Grounds for disciplinary action by board.

RESEARCH REFERENCES

ALR. Pretrial Discovery in Disciplinary Proceedings Against Physician. 65 A.L.R. 6th 295.

CHAPTER 26

Physician Assistants

SEC.

73-26-3. Licensing and regulation; minimum requirements; criminal history records check and fingerprinting required [Subsection (5) repealed effective July 1, 2016].

§ 73-26-3. Licensing and regulation; minimum requirements; criminal history records check and fingerprinting required [Subsection (5) repealed effective July 1, 2016].

(1) The State Board of Medical Licensure shall license and regulate the practice of physician assistants in accordance with the provisions of this chapter.

(2) All physician assistants who are employed as physician assistants by a Department of Veterans Affairs health care facility, a branch of the United States military or the Federal Bureau of Prisons, and who are practicing as physician assistants in a federal facility in Mississippi on July 1, 2000, and those physician assistants who trained in a Mississippi physician assistant program and have been continuously practicing as a physician assistant in Mississippi since 1976, shall be eligible for licensure if they submit an application for licensure to the board by December 31, 2000. Physician assistants licensed under this subsection will be eligible for license renewal so long as they meet standard renewal requirements.

(3) Before December 31, 2004, applicants for physician assistant licensure, except those licensed under subsection (2) of this section, must be graduates of physician assistant educational programs accredited by the

Commission on Accreditation of Allied Health Educational Programs or its predecessor or successor agency, have passed the certification examination administered by the National Commission on Certification of Physician Assistants (NCCPA), have current NCCPA certification, and possess a minimum of a baccalaureate degree. Physician assistants meeting these licensure requirements will be eligible for license renewal so long as they meet standard renewal requirements.

(4) On or after December 31, 2004, applicants for physician assistant licensure must meet all of the requirements in subsection (3) of this section and, in addition, must have obtained a minimum of a master's degree in a health-related or science field.

(5) Applicants for licensure who meet all licensure requirements except for the master's degree may be granted a temporary license by the board so long as they can show proof of enrollment in a master's program that will, when completed, meet the master's degree requirement. The temporary license will be valid for no longer than one (1) year, and may not be renewed. This subsection shall stand repealed on July 1, 2016.

(6) For new graduate physician assistants and all physician assistants receiving initial licenses in the state, except those licensed under subsection (2) of this section, supervision shall require the on-site presence of a supervising physician for one hundred twenty (120) days.

(7) To qualify for a Mississippi physician assistant license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records

and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

SOURCES: Laws, 2000, ch. 470, § 2; Laws, 2006, ch. 323, § 1; Laws, 2007, ch. 506, § 3; Laws, 2010, ch. 409, § 1; Laws, 2010, ch. 498, § 4; Laws, 2013, ch. 433, § 1, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment extended repealer provision from “July 1, 2013” to “July 1, 2016” at the end of (5).

CHAPTER 27

Podiatrists

SEC.

73-27-5. Qualifications; criminal history records check and fingerprinting required.

§ 73-27-5. Qualifications; criminal history records check and fingerprinting required.

All applicants for license shall have attained the age of twenty-one (21) years, and shall be of good moral character; they shall have had at least four (4) years high school and be graduates of same; they shall have at least one (1) year prepodiatry college education and be graduates of some college of podiatry recognized as being in good standing by the State Board of Medical Licensure. No college of podiatry or chiropody shall be accredited by the board as a college of good standing that does not require for graduation a course of study of at least four (4) years (eight and one-half (8-½) months each) and be recognized by the Council on Education of the American Podiatry Association. However, all podiatrists actively engaged in the practice of podiatry in the State of Mississippi, prior to January 1, 1938, whether graduates or not, shall, upon furnishing proof thereof by displaying their state privilege tax license to the Secretary of the State Board of Medical Licensure, and upon payment of fee of Ten Dollars and Twenty-five Cents (\$10.25), be entitled to a license without an examination, and applications for the license shall be filed not later than sixty (60) days after the passage of this chapter. Upon payment of a fee prescribed by the State Board of Medical Licensure, not to exceed Five Hundred Dollars (\$500.00), a license without examination may be issued to podiatrists of other states maintaining equal statutory requirements for the practice of podiatry and extending the same reciprocal privileges to this state. The State Board of Medical Licensure may affiliate with the National Board of Chiropody or Podiatry Licensure in granting licenses to practice podiatry in Mississippi, provided the written examination covers at least two-thirds (⅔) of the subjects

set forth in Section 73-27-9. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

To qualify for a Mississippi podiatry license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-27-13. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Codes, 1942, § 8896; Laws, 1938, ch. 189; Laws, 1958, ch. 359, § 1; Laws, 1979, ch. 439, § 2; Laws, 1980, ch. 458, § 24; Laws, 1987, ch. 308, § 1; Laws, 1989, ch. 315, § 2; Laws, 1997, ch. 588, § 53; Laws, 2007, ch. 506, § 2; Laws, 2013, ch. 350, § 26, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence of the first paragraph.

CHAPTER 29

Polygraph Examiners

SEC.

73-29-19. Licensing of examiners licensed under laws of other states.

§ 73-29-19. Licensing of examiners licensed under laws of other states.

An applicant who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a license upon payment of a fee of Fifty Dollars (\$50.00) and the production of satisfactory proof that:

- (1) He is at least twenty-one (21) years of age;
- (2) He is a citizen of the United States;
- (3) He is of good moral character;
- (4) The requirements for the licensing of polygraph examiners in such particular state or territory of the United States were, at the date of the applicant's licensing therein, substantially equivalent to the requirements now in force in this state;
- (5) The applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state or territory for at least two (2) years prior to his application for license hereunder;
- (6) Such other state or territory grants similar reciprocity to license holders of this state; and
- (7) He has complied with Section 73-29-17.

The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, 1942, § 8920-71; Laws, 1968, ch. 380, § 11; reenacted, Laws, 1980, ch. 500, § 10; reenacted, Laws, 1993, ch. 351, § 10; Laws, 2013, ch. 350, § 27, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last paragraph.

CHAPTER 30

Licensed Professional Counselors

SEC.

73-30-15. Reciprocal agreements with other states.

§ 73-30-15. Reciprocal agreements with other states.

The board shall enter into a reciprocal agreement with any state which licenses counselors if the board finds that such state has substantially the same requirements for licensure. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1985, ch. 354, § 8; Laws, 2013, ch. 350, § 28, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence.

§ 73-30-21. Revocation, denial, or suspension of license; reinstatement; injunctions.

JUDICIAL DECISIONS

1. Denial of reinstatement.

Denial of an application for reinstatement of a professional counselor license was not arbitrary or capricious as it was based on evidence that the applicant had been convicted of a crime of moral turpitude, his counseling certification had been

revoked, he had violated his probation, and he had been indefinitely suspended from federal health care programs. *Hale v. Miss. State Bd. of Examiners*, 130 So. 3d 1180 (Miss. Ct. App. 2014).

CHAPTER 31

Psychologists

SEC.

- 73-31-14. Temporary licenses and practice certificates [Repealed effective July 1, 2018].
- 73-31-15. Applicant previously licensed in another jurisdiction [Repealed effective July 1, 2018].
- 73-31-31. Repeal of Sections 73-31-1 through 73-31-29.

§ 73-31-1. Declaration of public policy [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-101; Laws, 1966, ch. 483, § 1; reenacted, Laws, 1980, ch. 495, § 1; reenacted, Laws, 1988, ch. 354, § 1; Laws, 2011, ch. 498, § 1; reenacted without change, Laws, 2014, ch. 465, § 1, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 1, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-3. Definitions [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-102; Laws, 1966, ch. 483, § 2; reenacted, Laws, 1980, ch. 495, § 2; reenacted, Laws, 1988, ch. 354, § 2; Laws, 1992, ch. 436, § 1; Laws, 1994, ch. 641, § 1; Laws, 1998, ch. 355, § 1; Laws, 2001, ch. 399, § 1; Laws, 2011, ch. 498, § 2; reenacted without change, Laws, 2014, ch. 465, § 2, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 2, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as

it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-5. Mississippi Board of Psychology; membership; term of office; appointment; qualifications [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-103; Laws, 1966, ch. 483, § 3; reenacted and amended, Laws, 1980, ch. 495, § 3; reenacted, Laws, 1988, ch. 354, § 3; Laws, 1992, ch. 436, § 2; Laws, 1994, ch. 641, § 2; Laws, 1998, ch. 355, § 2; Laws, 2001, ch. 399, § 2; Laws, 2011, ch. 498, § 3; reenacted without change, Laws, 2014, ch. 465, § 3, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 3, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-7. State Board of Psychology; meetings; officers; powers and duties [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-104; Laws, 1966, ch. 483, § 4; reenacted and amended, Laws, 1980, ch. 495, § 4; Laws, 1984, ch. 520, § 1; reenacted, Laws, 1988, ch. 354, § 4; Laws, 1992, ch. 436, § 3; Laws, 1994, ch. 641, § 3; Laws, 1998, ch. 355, § 3; Laws, 2001, ch. 399, § 3; Laws, 2011, ch. 498, § 4; reenacted without change, Laws, 2014, ch. 465, § 4, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 4, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-9. Fees; renewal of license; deposit of money received by board in special fund; regulation of fund; audit [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-105; Laws, 1966, ch. 483, § 5; Laws, 1979, ch. 412; reenacted, Laws, 1980, ch. 495, § 5; Laws, 1984, ch. 520, § 2; reenacted, Laws, 1988, ch. 354, § 5; Laws, 1992, ch. 436, § 4; Laws, 1992, ch. 502, § 5; Laws, 1994, ch. 641, § 4; Laws, 2001, ch. 399, § 4; Laws, 2007, ch. 309, § 25; Laws, 2011, ch. 498, § 5; reenacted without change, Laws, 2014, ch. 465, § 5, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 5, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-11. Records [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-106; Laws, 1966, ch. 483, § 6; reenacted, Laws, 1980, ch. 495, § 6; reenacted, Laws, 1988, ch. 354, § 6; Laws, 2011, ch. 498, § 6; reenacted without change, Laws, 2014, ch. 465, § 6, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 6, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-13. Licensing; applications; qualifications; examinations [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-107; Laws, 1966, ch. 483, § 7; reenacted, Laws, 1980, ch. 495, § 7; reenacted, Laws, 1988, ch. 354, § 7; Laws, 1992, ch. 436, § 5; Laws, 1994, ch. 641, § 5; Laws, 1997, ch. 588, § 56; Laws, 1998, ch. 355, § 4; Laws, 2001, ch. 399, § 5; Laws, 2011, ch. 498, § 7; Laws, 2012, ch. 363, § 1; reenacted without change, Laws, 2014, ch. 465, § 7, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 7, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-14. Temporary licenses and practice certificates [Repealed effective July 1, 2018].

(1) Psychologists who are duly licensed in other jurisdictions and not currently under investigation by another licensure board may, upon application for licensure, apply for a temporary license, which shall be valid until the next administration of the oral examination. The temporary license shall be issued upon the applicant's passage of the Examination for Professional Practice of Psychology (EPPP) at the level established by the board in its rules and regulations and equivalent to that required for permanent licensure. Each applicant for a temporary license shall file an application upon a form and in the manner as the board prescribes, accompanied by a fee equal to the amount required for permanent licensure. A temporary license will lapse for any person who has failed the oral examination or has had his or her license suspended or revoked by the board. Procedures for the issuance of temporary licenses shall be established by the board in its rules and regulations. The issuance of a temporary license to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(2) Psychologists who are duly licensed in other jurisdictions may apply for a temporary practice certificate that allows them to practice psychology on a temporary basis in the State of Mississippi. That practice must be limited in

scope and duration, not exceeding thirty (30) days during a consecutive twelve-month period. Applicants for a temporary practice certificate shall provide to the board the nature of the practice before providing that service, and shall make available to the board a current copy of his or her license or verification of a valid license in good standing. Psychologists who receive temporary practice certificates are subject to a jurisprudence examination at the request of the board. This authority for a temporary practice certificate does not apply to a psychologist who has been denied licensure in Mississippi, is a legal resident of Mississippi, or intends to practice full-time or a major portion of their time in Mississippi. Each applicant for a temporary practice certificate shall file an application upon a form and in the manner as the board prescribes, accompanied by a fee in an amount determined by the board, but not to exceed Three Hundred Dollars (\$300.00).

(3) Applicants awaiting licensure in Mississippi are prohibited from the practice of psychology without a temporary license issued by the board. For the purposes of this subsection, the practice of psychology shall be construed without regard to the means of service provision (e.g., face-to-face, telephone, Internet, telehealth).

SOURCES: Laws, 1998, ch. 355, § 5; Laws, 2001, ch. 399, § 6; Laws, 2011, ch. 498, § 8; Laws, 2013, ch. 350, § 29; reenacted without change, Laws, 2014, ch. 465, § 8, eff from and after July 1, 2014.

Amendment Notes — The 2013 amendment added the last sentence in (1). The 2014 amendment reenacted the section without change.

§ 73-31-15. Applicant previously licensed in another jurisdiction [Repealed effective July 1, 2018].

(1) Upon application accompanied by the proper fee, the board may, without written or oral examination, issue a license to any person who furnishes, upon a form and in the manner as the board prescribes, evidence satisfactory to the board that he or she (a) is licensed or certified as a psychologist by another state, territorial possession of the United States, District of Columbia, Commonwealth of Puerto Rico or Canadian Province, if the requirements for that license or certification are the substantial equivalent of this chapter; or (b) is a diplomate in good standing of the American Board of Examiners in Professional Psychology; or (c) possesses a valid Certificate of Professional Qualification (CPQ) granted by the Association of State and Provincial Psychology Boards.

(2) In addition, the board may issue a license, without written examination, to an applicant who:

(a) Has at least twenty (20) years of licensure to practice in another state, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico or Canadian Province when that license was based on a doctoral degree; and

(b) Has had no disciplinary sanction during the entire period of licensure; and

(c) Is not currently under investigation by another licensure board; and
(d) Has demonstrated current qualification by successfully passing the oral examination; and

(e) Has completed the appropriate application and paid the fees as required by the board.

(3) The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, 1942, § 8877-108; Laws, 1966, ch. 483, § 8; reenacted, Laws, 1980, ch. 495, § 8; reenacted, Laws, 1988, ch. 354, § 8; Laws, 1998, ch. 355, § 6; Laws, 2001, ch. 399, § 7; Laws, 2011, ch. 498, § 9; Laws, 2013, ch. 350, § 30; reenacted without change, Laws, 2014, ch. 465, § 9, eff from and after July 1, 2014.

Amendment Notes — The 2013 amendment added (3).
The 2014 amendment reenacted the section without change.

§ 73-31-17. Creation of the status of psychologist emeritus; qualifications; annual renewal [Repealed effective July 1, 2018].

SOURCES: Laws, 2011, ch. 498, § 10; reenacted without change, Laws, 2014, ch. 465, § 10, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 10, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-19. Licenses; issuance; filing [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-111; Laws, 1966, ch. 483, § 11; reenacted, Laws, 1980, ch. 495, § 10; reenacted, Laws, 1988, ch. 354, § 10; Laws, 2001, ch. 399, § 8; Laws, 2011, ch. 498, § 11; reenacted without change, Laws, 2014, ch. 465, § 11, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 11, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-21. Licenses; revocation or suspension; grounds; hearing; issuance of nondisciplinary educational letter [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-112; Laws, 1966, ch. 483, § 12; reenacted, Laws, 1980, ch. 495, § 11; reenacted, Laws, 1988, ch. 354, § 11; Laws, 1992, ch. 436,

§ 6; Laws, 1994, ch. 641, § 6; Laws, 1996, ch. 507, § 64; Laws, 1998, ch. 355, § 7; Laws, 2001, ch. 399, § 9; Laws, 2011, ch. 498, § 12; reenacted without change, Laws, 2014, ch. 465, § 12, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 12, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-23. Violations; penalties [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-113; Laws, 1966, ch. 483, § 13; reenacted, Laws, 1980, ch. 495, § 12; Laws, 1984, ch. 520, § 3; reenacted, Laws, 1988, ch. 354, § 12; Laws, 1992, ch. 436, § 7; Laws, 1994, ch. 641, § 7; Laws, 2001, ch. 399, § 10; Laws, 2011, ch. 498, § 13; reenacted without change, Laws, 2014, ch. 465, § 13, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 13, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-25. Violations; injunction [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-114; Laws, 1966, ch. 483, § 14; reenacted, 1980, ch. 495, § 13; reenacted, 1988, ch. 354, § 13; Laws, 2011, ch. 498, § 14; Laws, 2012, ch. 546, § 38; reenacted without change, Laws, 2014, ch. 465, § 14, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 14, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-27. Excluded activities [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-115; Laws, 1966, ch. 483, § 15; Laws, 1968, ch. 510, § 1; reenacted, Laws, 1980, ch. 495, § 14; reenacted, Laws, 1988, ch. 354, § 14; Laws, 1992, ch. 436, § 8; Laws, 1994, ch. 641, § 8; Laws, 2001, ch. 399, § 11; Laws, 2002, ch. 468, § 1; Laws, 2011, ch. 498, § 15; reenacted without change, Laws, 2014, ch. 465, § 15, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 15, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-29. Communications by client to psychologist privileged [Repealed effective July 1, 2018].

SOURCES: Codes, 1942, § 8877-116; Laws, 1966, ch. 483, § 16; reenacted, Laws, 1980, ch. 495, § 15; reenacted, Laws, 1988, ch. 354, § 15; Laws, 2011, ch. 498, § 16; reenacted without change, Laws, 2014, ch. 465, § 16, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Chapter 465, § 16, Laws of 2014, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-31-31. Repeal of Sections 73-31-1 through 73-31-29.

Sections 73-31-1 through 73-31-29 shall stand repealed on July 1, 2018.

SOURCES: Laws, 2011, ch. 498, § 17; Laws, 2014, ch. 465, § 17, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment extended the repealer provision from “July 1, 2014” to “July 1, 2018.”

CHAPTER 33

Public Accountants

SEC.

73-33-9. Applicants of other states.

§ 73-33-9. Applicants of other states.

The Mississippi State Board of Public Accountancy may, in its discretion, issue a reciprocal certified public accountant license to practice to any holder of any certified public accountant's certificate or license issued under the law of another state, which shall entitle the holder to use the abbreviation, “CPA,” in this state provided that the state issuing the original certificate or license grants similar privileges to the certified public accountants of this state. The fee for a license shall be in such reasonable amount as determined by the board. Such license shall not allow the holder thereof to engage in the practice of public accounting as a certified public accountant unless the holder meets the requirements of the Mississippi State Board of Public Accountancy. This section shall apply only to a person who wishes to obtain a license issued by the State of Mississippi and shall not apply to those persons practicing in this state under Section 77-33-17. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, Hemingway's 1921 Supp. § 6661e; 1930, § 5915; 1942, § 8909; Laws, 1920, ch. 211; Laws, 1981, ch. 445, § 4; reenacted and amended, Laws, 1983, ch. 411 § 6; Laws, 1990, ch. 322, § 3; reenacted, Laws, 1991, ch. 306, § 6; Laws, 1999, ch. 533, § 5; Laws, 2008, ch. 331, § 4; Laws, 2013, ch. 350, § 31, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence.

CHAPTER 34

Real Estate Appraisers

Real Estate Appraiser Licensing and Certification Act	73-34-1
Mississippi Appraisal Management Company Registration Act	73-34-101

REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT

SEC.	
73-34-9.	Powers and duties of commission and board; immunity of members of commission and board.
73-34-14.	Background investigations required of applicants for real estate appraiser license or certification.
73-34-19.	Two classes of real estate appraiser license; applications to specify classification of licensing; applicants to comply with requirements of board.
73-34-21.	Prerequisites to taking examinations for licensing; experience requirements for license.
73-34-27.	Application for renewal of license; late filing.
73-34-45.	Fees; Real Estate Appraisal License Fund.
73-34-51.	Nonresident applicants for license.

§ 73-34-3. Definitions.

SOURCES: Laws, 1990, ch. 576, § 2; Laws, 1993, ch. 559, § 1; Laws, 2011, ch. 458, § 17, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

"SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later."

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-9. Powers and duties of commission and board; immunity of members of commission and board.

(1) The commission shall have the following powers and duties:

(a) To receive applications for licensure as a real estate appraiser and applications for registration as an appraisal management company under this chapter; to establish appropriate administrative procedures for the processing of those applications; to issue licenses to qualified applicants under the provisions of this chapter; and to maintain a registry of the names and addresses of individuals who are currently licensed under this chapter.

(b) To administer licensing examinations in the places and at the times as may be required to carry out its responsibilities under this chapter.

(c) To implement recommendations made to the commission by the Real Estate Appraiser Licensing and Certification Board with respect to upgrading and improving the experience, education and examination requirements that are required for an appraiser license and each classification of licensed state certified real estate appraiser in this state.

(d) To implement recommendations made to the commission by the board with respect to upgrading and improving the continuing education requirements that are required for renewal of a license.

(e) To collect all licensing fees required or permitted by this chapter.

(f) To take appropriate action upon a decision and the related findings of fact made by the board if, after an administrative hearing, the board (i) determines that a licensed appraiser or a licensed state certified real estate appraiser under this chapter has violated the standards of appraisal practice or ethical rules established under Section 73-34-37, or has committed one or more of the acts that are prohibited by Section 73-34-35, and (ii) recommends that the license of the appraiser be suspended or revoked, that renewal be denied, or that some other disciplinary action be taken.

(g) To solicit bids and enter into contracts with one or more educational testing services or organizations approved by the board for the preparation of a bank of questions and answers for licensure examinations under this chapter.

(h) To promote research and conduct studies relating to the profession of real estate appraising and sponsor real estate appraisal educational activities.

(i) To adopt rules and regulations for the administration of this chapter that are not inconsistent with the provisions of this chapter or the Constitution and laws of Mississippi or of the United States.

(j) To employ an assistant to the Mississippi Real Estate Commission Administrator who shall keep a record of all proceedings, transactions, communications and official acts of the commission and board and perform any other duties as the commission and board may require.

(k) To employ an appropriate staff to investigate allegations that licensed appraisers or licensed state certified real estate appraisers under this chapter failed to comply with the terms or provisions of this chapter.

(l) To employ any other professional, clerical and technical assistance as may be necessary to properly administer the work of this chapter.

(2) The board shall have the following powers and duties:

(a) To be responsible for matters relating to real estate appraisal standards, real estate appraiser qualifications, testing standards, appraisal management companies and disciplinary functions.

(b) To hold meetings; to hold public hearings and administrative hearings; and to prepare examination specifications for licensed appraisers and licensed state certified appraisers.

(c) To enable the board to carry out its responsibilities under this chapter with respect to licensing and registering, the board shall have:

(i) The power to compel the attendance of witnesses;

(ii) The power to require a licensed appraiser or an applicant for licensure to produce books, appraisal documents, records and other papers;

(iii) The power to administer oaths; and

(iv) The power to take testimony and receive evidence concerning all matters within its jurisdiction.

These powers may be exercised directly by the board in such manner as the board shall determine.

(d) To establish appropriate administrative procedures for disciplinary proceedings conducted under the provisions of this chapter.

(e) To keep a record of its proceedings and issue an annual report of its activities.

(f) To further define by regulation, and with respect to each of the categories of licensed appraiser, the type of educational experience, appraisal experience and equivalent experience that will meet the statutory requirements of this chapter.

(g) To approve or disapprove applications for licensing or registration under this chapter.

(h) To suspend or revoke licenses or registrations under the disciplinary proceedings provided for in this chapter.

(i) To present an annual budget to the Mississippi Legislature for approval. A copy of the budget shall be given to the commission.

(j) To implement all requirements directed by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council or their designated agent.

(k) To make rules and regulations providing for an inactive license or registration status and for the reactivation thereof.

(l) To make rules and regulations necessary to implement its powers and duties under this chapter.

(m) To do all other things necessary to carry out the provisions of this chapter.

(n) To adopt rules consistent with the provisions of this chapter which may be reasonably necessary to implement, administer, and enforce the provisions of this chapter.

(o) To provide for at least one (1) member of the board to represent the appraisal management company industry.

(p) To establish the standard for measuring residential properties up to four (4) family buildings as promulgated by the American National Stan-

dards Institute or as provided in the American Measurement Standard Manual. The board shall require appraisals required to use those standards to indicate on the appraisal or separately appended document which standard was used.

(q) To conduct surveys as necessary.

(3) The members of the commission and board shall be immune from any civil action or criminal prosecution for initiating or assisting in any lawful investigation of the actions of, or participating in any disciplinary proceeding concerning, an appraiser licensed under this chapter, provided that the action is taken without malicious intent and in the reasonable belief that the action was taken in accordance with the powers and duties vested in the members of the commission and board under this chapter.

SOURCES: Laws, 1990, ch. 576, § 5; Laws, 1993, ch. 559, § 3; Laws, 2011, ch. 458, § 18; Laws, 2014, ch. 535, § 1, eff from and after July 1, 2014.

Joint Legislative Committee Note — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error in (2)(b) by inserting the word “and” preceding “to prepare examination specifications.” The Joint Committee ratified the correction at its July 24, 2014, meeting.

Editor’s Note — Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

Amendment Notes — The 2014 amendment added (p) and (q).

§ 73-34-13. Applications to be in writing accompanied by fee; pledge to comply with standards of professional appraisal practices; certification of understanding of conduct constituting misconduct.

SOURCES: Laws, 1990, ch. 576, § 7; Laws, 1993, ch. 559, § 4; Laws, 1997, ch. 588, § 58; Laws, 2011, ch. 458, § 19, effective December 1, 2013.

Editor’s Note — Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section’s Sources information and Editor’s note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-14. Background investigations required of applicants for real estate appraiser license or certification.

(1)(a) To qualify for a Mississippi real estate appraiser license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination that the applicant does not possess a background which calls into question public trust, as set forth below in subsection (2), and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-34-35.

(b) To assist the board in conducting its licensure investigation, on and after January 1, 2015, all applicants for a real estate appraiser license as a licensed real estate appraiser (license), licensed certified residential real estate appraiser (certification), or a licensed certified general real estate appraiser (certification), and all applicants for renewal of any real estate appraiser license or certification shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

(c) Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

(d) The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(e) The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

(2)(a) The board must ensure that applicants for a real estate appraiser license or certification do not possess a background that could call into question public trust. An applicant found by the board to possess a background which calls into question the applicant's ability to maintain public trust shall not be issued a real estate appraiser license or certification.

(b) The board shall not issue a real estate appraiser license or certification if:

(i) The applicant has had an appraiser license or certification revoked in any governmental jurisdiction within the five (5) year period immediately preceding the date of the application;

(ii) The applicant has been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, or foreign court:

1. During the five-year period immediately preceding the date of the application for licensing or certification; or

2. At any time preceding the date of the application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering.

(iii) The applicant has failed to demonstrate character and general fitness such as to command the confidence of the community and to warrant a determination that the appraiser will operate honestly, fairly and efficiently within the purpose of these criteria.

(c) The board shall evaluate and consider, by rules and regulations, additional background issues, including, but not limited to, those required by the Appraiser Qualifications Board of the Appraisal Foundation in compliance with federal requirements, prior to issuing (or taking disciplinary action against) a real estate appraiser.

(d) The board shall adopt rules and regulations necessary to implement, administer and enforce the provisions of this section.

SOURCES: Laws, 2014, ch. 363, § 1, eff from and after July 1, 2014.

§ 73-34-19. Two classes of real estate appraiser license; applications to specify classification of licensing; applicants to comply with requirements of board.

The following shall be the two (2) classes for licensed certified real estate appraisers:

(a) Licensed certified residential real estate appraiser. The licensed certified residential real estate appraiser classification shall consist of those persons who meet the requirements that relate to the appraisal of residential real property of one (1) to four (4) units without regard to transaction value or complexity. In addition, when nonfederally related transactions are involved, the licensed certified residential real estate appraiser shall enjoy the same privileges as set forth for the licensed real estate appraiser.

(b) Licensed certified general real estate appraiser. The licensed certified general real estate appraiser classification shall consist of those persons who meet the requirements relating to the appraisal of all types of real estate.

Each application for licensing as a licensed certified real estate appraiser, or for the renewal of a license, and each application to take an examination, shall specify the classification of licensing being applied for and, if applicable, the class of license previously granted. Each applicant

shall be trustworthy and competent to transact the business of real estate appraising and comply with such other requirements as may be prescribed by the board.

SOURCES: Laws, 1990, ch. 576, § 10; Laws, 1993, ch. 559, § 7; Laws, 2014, ch. 400, § 1, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment deleted “and one (1) class for licensed timberland appraisers” following “licensed certified real estate appraisers” at the end of the first undesignated paragraph; deleted (c) in its entirety, which read “(c) Licensed timberland real estate appraiser. The licensed timberland real estate appraiser classification shall consist of those persons who meet the requirements that relate to the appraisal of timberland.”; and substituted “appraising” for “planning” in the last undesignated paragraph.

§ 73-34-21. Prerequisites to taking examinations for licensing; experience requirements for license.

(1)(a) As a prerequisite to taking the examination for licensing as a licensed certified residential real estate appraiser, an applicant shall present acceptable evidence that such applicant has successfully completed not less than two hundred (200) classroom hours in courses of study approved by the board. The two hundred (200) classroom hours must be in courses of study approved by the board which relate to real estate appraisal and shall include coverage of the Uniform Standards of Professional Appraisal Practice. The courses of study referred to above must be conducted by an accredited university, college or junior college; an appraisal society, institute association; or such other school approved by the Appraiser Qualifications Board of The Appraisal Foundation in compliance with federal requirements.

(b) Applicants applying prior to January 1, 2015, for licensure as a licensed certified residential real estate appraiser shall present, in addition to the above two hundred (200) classroom hours, evidence that such applicant has (i) successfully completed twenty-one (21) semester credit hours in specified collegiate subject matter courses from an accredited college or university, or (ii) attained an associate's degree or higher.

(c) Applicants applying on or after January 1, 2015, for licensure as a licensed certified residential real estate appraiser shall present, in addition to the above two hundred (200) classroom hours, evidence that such applicant has a bachelor's degree or higher (in any field) from an accredited college or university.

(2)(a) As a prerequisite to taking the examination for licensing as a licensed certified general real estate appraiser, an applicant shall present acceptable evidence that such applicant has successfully completed not less than three hundred (300) classroom hours in courses of study approved by the board. The three hundred (300) classroom hours must be in courses of study approved by the board which relate to real estate appraisal and shall include coverage of the Uniform Standards of Professional Appraisal Practice. The courses of study referred to above must be conducted by an

accredited university, college or junior college; an appraisal society, institute association, or such other school approved by the Appraiser Qualifications Board of The Appraisal Foundation in compliance with federal requirements.

(b) Applicants applying prior to January 1, 2015, for licensure as a licensed certified general real estate appraiser shall present, in addition to the above three hundred (300) classroom hours, evidence that such applicant has (i) successfully completed thirty (30) semester credit hours in specified collegiate subject matter courses from an accredited college or university, or (ii) attained a bachelor's degree or higher.

(c) Applicants applying on or after January 1, 2015, for licensure as a licensed certified general real estate appraiser shall present, in addition to the above three hundred (300) classroom hours, evidence that such applicant has a bachelor's degree or higher (in any field) from an accredited college or university.

(3)(a) A license as a licensed certified residential real estate appraiser shall not be issued to any person who does not possess two thousand five hundred (2,500) hours of qualifying experience in real property appraisal obtained during no fewer than twenty-four (24) months, and supported by adequate written reports or file memoranda.

(b) A license as a licensed certified general real estate appraiser shall not be issued to any person who does not possess three thousand (3,000) hours of qualifying experience in real property appraisal obtained during no fewer than thirty (30) months, and supported by adequate written reports or file memoranda. One thousand five hundred (1,500) of these hours must be in nonresidential appraisal work.

SOURCES: Laws, 1990, ch. 576, § 11; Laws, 1993, ch. 559, § 8; Laws, 2014, ch. 363, § 2, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment rewrote the section to revise the prerequisites to taking examinations for licensing.

§ 73-34-25. Expiration of license.

SOURCES: Laws, 1990, ch. 576, § 13; Laws, 2007, ch. 309, § 27; Laws, 2011, ch. 458, § 20, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-27. Application for renewal of license; late filing.

To obtain a renewal of any of the real estate appraisal licenses or a renewal of any registration issued under this chapter, the holder of a current, valid license or registration shall make application and pay the prescribed fee to the commission not earlier than one hundred twenty (120) days nor later than the expiration date, as defined in Section 73-34-25, of the license then held. Each application for renewal shall be accompanied by evidence, in the form prescribed by the board, of having completed the continuing education requirements for renewal specified in this chapter.

If a licensed appraiser or licensed certified real estate appraiser under this chapter fails to renew his license, or an appraisal management company fails to renew its registration before its expiration or within any period of extension granted under this chapter, that person or company may obtain a renewal of their license or registration by satisfying all of the requirements for renewal and filing an application for renewal, accompanied by a late renewal fee, within sixty (60) days of the date that the license or registration expired.

From and after January 1, 2015, all applicants for a real estate appraisal license renewal shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database pursuant to the provisions of Section 73-34-14.

SOURCES: Laws, 1990, ch. 576, § 14; Laws, 1993, ch. 559, § 9; Laws, 2011, ch. 458, § 21 effective December 1, 2013; Laws, 2014, ch. 363, § 3, eff from and after July 1, 2014.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

"SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later."

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

Amendment Notes — The 2014 amendment added the last paragraph.

§ 73-34-29. Authority of board to deny issuance of license.

SOURCES: Laws, 1990, ch. 576, § 15; Laws, 2011, ch. 458, § 22, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

"SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later."

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal

Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-35. Grounds for denial, suspension or revocation of license or registration, or other disciplinary action.

SOURCES: Laws, 1990, ch. 576, § 18; Laws, 1993, ch. 559, § 11; Laws, 1996, ch. 507, § 66; Laws, 2011, ch. 458, § 23, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-41. Investigations by commission; issuance of formal complaint; response to complaint; hearings.

SOURCES: Laws, 1990, ch. 576, § 21; Laws, 2011, ch. 458, § 24, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-43. Formal decision of board on complaint; appeals; standard of review of decision of board.

SOURCES: Laws, 1990, ch. 576, § 22; Laws, 1996, ch. 507, § 67; Laws, 2011, ch. 458, § 25, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-45. Fees; Real Estate Appraisal License Fund.

(1) The commission shall charge and collect appropriate fees for its services under this chapter. The fees charged shall not exceed the amounts indicated below and shall be set by the board.

Application and examination	\$225.00
Application only	\$175.00
Initial and renewal license	\$325.00
Delinquent renewal penalty	100% of renewal fee
For each change of address	\$ 25.00
For each duplicate license	\$ 25.00
To change status as a licensee from active to inactive	\$ 25.00
For each bad check received by the commission	\$ 25.00

(2)(a) The board shall establish the fee to be paid by each appraisal management company making application for registration under this chapter that is sufficient for the administration regulation and enforcement of the provisions of the Mississippi Appraisal Management Company Registration Act (Section 73-34-101 et seq.), but in no case shall the fee for initial registration be more than One Thousand Dollars (\$1,000.00). However, beginning July 1, 2015, the board may increase the registration fee to an amount not to exceed One Thousand Five Hundred Dollars (\$1,500.00) if the board finds the increase necessary for the regulation and enforcement of this chapter.

(b) The board may establish a similar fee, not to exceed One Thousand Dollars (\$1,000.00), for the renewal of any registration, and a delinquent renewal penalty not to exceed one hundred percent (100%) of the renewal fee. However, beginning July 1, 2015, the board may increase the renewal fee to an amount not to exceed One Thousand Five Hundred Dollars (\$1,500.00) if the board finds the increase necessary for the regulation and enforcement of this chapter, and a delinquent renewal penalty not to exceed one hundred percent (100%) of the renewal fee.

(3) The board may charge additional fees for its services which the board deems appropriate to carry out its intent and purpose. These additional fees shall not exceed the cost of rendering the service.

(4) All fees charged and collected under this chapter shall be paid by the commission at least once a week, accompanied by a detailed statement thereof, to the credit of the fund known as the "Real Estate Appraisal License Fund," hereby created in the State Treasury. All monies which are collected under this chapter shall be paid into and credited to the fund for the use of the board in

carrying out the provisions of this chapter including the payment of salaries and expenses, printing an annual directory of licensees, and for educational purposes. The commission shall submit a monthly statement to the board detailing any expenses which it bears as a share in the expense of administering this chapter, for which expenses it shall be reimbursed in the amount approved by the board. The commission shall prepare an annual statement of income and expenses related to its appraisal-related administrative function.

SOURCES: Laws, 1990, ch. 576, § 23; Laws, 2011, ch. 458, § 26; Laws, 2012, ch. 531, § 1; Laws, 2014, ch. 400, § 2, eff from and after July 1, 2014.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

Amendment Notes — The 2014 amendment, in the form deleted the “Licensure:” and “Services:” headings and added a fee of \$175 for an application only; made stylistic changes in (2)(a) and (4); added (3) and redesignated former (3) as (4); and deleted former (4) and (5), which read: “(4) If any applicant for licensing for the examinations given under this chapter before January 1, 1991, prepays the examination fee before August 1, 1990, he shall pay a fee of One Hundred Seventy-five Dollars (\$175.00) in lieu of the Two Hundred Twenty-five Dollars (\$225.00) application and examination fee as stated in this section, (5) The provisions of this section shall stand repealed on July 1, 2016.”

§ 73-34-49. Roster of licensed appraisers and registered appraisal management companies.

SOURCES: Laws, 1990, ch. 576, § 25; Laws, 2011, ch. 458, § 27, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-51. Nonresident applicants for license.

(1) Each applicant for licensure under this chapter who is not a resident of this state shall submit, with his application, an irrevocable consent that legal action arising out of his activities as a real estate appraiser in this state

may be commenced against him in the proper court of any county of this state in which a cause of action may arise or in which the plaintiff may reside by service of process or pleading authorized by laws of this state, by the Secretary of State, or by the Administrator of the Mississippi Real Estate Commission. The consent shall stipulate that the service of process or pleading shall be taken in all courts to be valid and binding as if personal service had been made upon the nonresident licensee in this state. The consent shall be duly acknowledged. Every nonresident licensee shall consent to have any hearings conducted by the board pursuant to Section 73-34-35 at a place designated by the board.

(2) Any service of process or pleading shall be served on the Administrator of the Mississippi Real Estate Commission by filing duplicate copies, one (1) of which shall be filed in the office of the board and the other forwarded by certified mail to the last-known principal address of the nonresident licensee against whom the process or pleading is directed.

(3) If, in the determination of the board, another state or territory or the District of Columbia is deemed to have substantially equivalent licensure laws for real estate appraisers, an applicant for licensure in this state who is licensed under the law of such other state, territory or district may obtain a license as a real estate appraiser in this state upon such terms and conditions as may be determined by the board provided that disciplinary proceedings are not pending against such applicant in his state of licensure. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1990, ch. 576, § 26; Laws, 2013, ch. 350, § 32; Laws, 2014, ch. 400, § 3, eff from and after July 1, 2014.

Amendment Notes — The 2013 amendment added the last sentence in (2); and made minor stylistic changes.

The 2014 amendment rewrote (1); added (2) and redesignated remaining subsection accordingly.

§ 73-34-53. Penalties for violations; civil action by person aggrieved by violation.

SOURCES: Laws, 1990, ch. 576, § 27; Laws, 2011, ch. 458, § 28, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal

Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

MISSISSIPPI APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT

SEC.

73-34-109. Requirements of owners and controlling persons of appraisal management companies.

§ 73-34-101. Short title.

SOURCES: Laws, 2011, ch. 458, § 1, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-103. Registration required; application.

SOURCES: Laws, 2011, ch. 458, § 2; Laws, 2012, ch. 531, § 2, eff from and after July 1, 2012.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-105. Applicability of Sections 73-34-101 through 73-34-131.

SOURCES: Laws, 2011, ch. 458, § 3, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-107. Completion of irrevocable uniform consent to service of process.

SOURCES: Laws, 2011, ch. 458, § 4, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-109. Requirements of owners and controlling persons of appraisal management companies.

(1) An appraisal management company applying for registration in this state shall not:

(a) Be owned, in whole or in part, directly or indirectly, by any person who has had an appraiser license or certificate in this state or in any other state, refused, denied, cancelled, surrendered in lieu of revocation, or revoked; or

(b) Be owned by more than ten percent (10%) by a person who is not of good moral character, which for purposes of this section shall require that such person has not been convicted of, or entered a plea of *nolo contendere* to a felony relating to the practice of appraisal, banking, mortgage or the provision of financial services, or any crime involving fraud, misrepresentation or moral turpitude.

(2)(a) For purposes of subsection (1)(b) to qualify for initial registration and every third annual renewed registration thereafter as an appraisal management company, each individual owner of more than ten percent (10%) of an appraisal management company must have successfully been cleared for registration through an investigation that shall consist of a determination as to good moral character and verification that the owner is not guilty of or in violation of any statutory ground for denial of registration as set forth in this chapter. If no individual owns more than ten percent (10%) of the appraisal management company, then an investigation of an owner is not required, but in such instances, the controlling person designated by the appraisal management company shall be subject to the requirements of this subsection. If following the initial registration, any individual becomes either an owner of more than ten percent (10%) of the appraisal management company or the designated controlling person of the appraisal management company, then each such person shall be subject to the requirements of this subsection at the appraisal management company's next annual renewal. To assist the board in conducting its registration investigation, each individual owner of more than ten percent (10%) of an appraisal management company shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints, in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

(b) Any state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for registration, and shall be exempt from the Mississippi Public Records Act, Section 25-61-1 et seq. Except upon written consent of the applicant, or by order of a court of competent jurisdiction, or when introduced into evidence in a hearing before the board to determine registration, no such information or records related thereto shall be released or otherwise disclosed by the board to any other person or agency.

(c) The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(d) The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

SOURCES: Laws, 2011, ch. 458, § 5; Laws, 2014, ch. 519, § 1, eff from and after passage (approved Apr. 23, 2014.)

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

"SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972."

Laws of 2011, ch. 458, § 30, provides:

"SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later."

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

Amendment Notes — The 2014 amendment rewrote (2)(a) and added (2)(b) through (2)(d).

§ 73-34-111. Designation of one controlling employee as contact for all communication between board and company.

SOURCES: Laws, 2011, ch. 458, § 6, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

"SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972."

Laws of 2011, ch. 458, § 30, provides:

"SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later."

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-113. Prohibited acts; required acts.

SOURCES: Laws, 2011, ch. 458, § 7, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

"SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972."

Laws of 2011, ch. 458, § 30, provides:

"SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later."

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-115. Proper level of licensure required for Standard 3 appraisal reviews.

SOURCES: Laws, 2011, ch. 458, § 8, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

"SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972."

Laws of 2011, ch. 458, § 30, provides:

"SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later."

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-117. Annual certifications to commission.

SOURCES: Laws, 2011, ch. 458, § 9, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

"SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972."

Laws of 2011, ch. 458, § 30, provides:

"SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later."

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-119. Retention of records.

SOURCES: Laws, 2011, ch. 458, § 10, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-121. Alteration or modification of completed appraisal report; use of appraisal report submitted by independent appraiser.

SOURCES: Laws, 2011, ch. 458, § 11, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-123. Registration numbers.

SOURCES: Laws, 2011, ch. 458, § 12, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's

note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-125. Violation.

SOURCES: Laws, 2011, ch. 458, § 13, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-127. Material failure of appraiser to comply with ethical or professional requirements in connection with certain consumer credit transactions.

SOURCES: Laws, 2011, ch. 458, § 14, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section's Sources information and Editor's note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-129. Removal of independent appraiser from appraiser panel of appraisal management company.

SOURCES: Laws, 2011, ch. 458, § 15, effective December 1, 2013.

Editor's Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section’s Sources information and Editor’s note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

§ 73-34-131. Adjudicatory proceedings for violation of Sections 73-34-101 through 73-34-131.

SOURCES: Laws, 2011, ch. 458, § 16, effective December 1, 2013.

Editor’s Note — Laws of 2011, ch. 458, § 29, provides:

“SECTION 29. Sections 1 through 16 of this act shall be codified in Chapter 34, Title 73, Mississippi Code of 1972.”

Laws of 2011, ch. 458, § 30, provides:

“SECTION 30. This act shall take effect and be in force from and after July 1, 2011, or one hundred twenty (120) days after the first date on which all rules, forms and policies have been finalized and made available by the commission, whichever is later.”

All rules, forms, and policies have been finalized and made available by the Mississippi Real Estate Commission. The effective date of the Mississippi Appraisal Management Company Registration Act is December 1, 2013.

The language of this section as it appears in the main volume has not been changed so it is not set out in this supplement. The section’s Sources information and Editor’s note have been updated to reflect the effective date of the Mississippi Appraisal Management Company Registration Act, which was dependent upon all rules, forms and policies being finalized.

CHAPTER 35

Real Estate Brokers

In General	73-35-1
------------------	---------

IN GENERAL

SEC.	
73-35-4.1.	Disclosure of information concerning size or area of property involved in real estate transaction; liability; remedy for violation of section.
73-35-7.	Qualifications for license.
73-35-13.	Written examination requirement; exemption for licensee of another state; reciprocity.

§ 73-35-3. Definitions; applicability of chapter.**JUDICIAL DECISIONS****2. Jurisdiction.**

Mississippi Real Estate Commission had jurisdiction to suspend two real estate brokers' licenses because the affiliate broker held himself out to be a real estate

broker in a transaction and the other broker, as the responsible broker, was liable. *Gussio v. Miss. Real Estate Comm'n*, 122 So. 3d 783 (Miss. Ct. App. 2013).

§ 73-35-4.1. Disclosure of information concerning size or area of property involved in real estate transaction; liability; remedy for violation of section.

(1)(a) In connection with any real estate transaction, the size or area, in square footage or otherwise, of the subject property, if provided by any real estate licensee in accordance with paragraph (b)(i) and (ii), shall not be considered any warranty or guarantee of the size or area information, in square footage or otherwise, of the subject property.

(b)(i) If a real estate licensee provides any party to a real estate transaction with third-party information concerning the size or area, in square footage or otherwise, of the subject property involved in the transaction, the licensee shall identify the source of the information.

(ii) For the purposes of this section, "third-party information" means:

1. An appraisal or any measurement information prepared by a licensed appraiser;
2. A surveyor developer's plan prepared by a licensed surveyor;
3. A tax assessor's public record; or
4. A builder's plan used to construct or market the property.

(c) A real estate licensee has no duty to the seller or purchaser of real property to conduct an independent investigation of the size or area, in square footage or otherwise, of a subject property, or to independently verify the accuracy of any third-party information.

(d) A real estate licensee who has complied with the requirements of this section, as applicable, shall have no further duties to the seller or purchaser of real property regarding disclosed or undisclosed property size or area information, and shall not be subject to liability to any party for any damages sustained with regard to any conflicting measurements or opinions of size or area, including exemplary or punitive damages.

(2)(a) If a real estate licensee has provided third-party information to any party to a real estate transaction concerning size or area of the subject real property, a party to the real estate transaction may recover damages from the licensee in a civil action only when a licensee knowingly violates the duty to disclose the source of the information as required in this section. However, nothing in this section shall provide immunity from civil liability to any licensee who knowingly misrepresents the size or area of the subject real property.

(b) The sole and exclusive civil remedy at common law or otherwise for a violation of this section by a real estate licensee shall be an action for actual damages suffered by the party as a result of such violation and shall not include exemplary or punitive damages.

(c) For any real estate transaction commenced after July 1, 2013, any civil action brought pursuant to this section shall be commenced within two (2) years after the date of transfer of the subject real property.

(d) In any civil action brought pursuant to this section, the prevailing party shall be allowed court costs and reasonable attorney fees to be set by the court and collected as costs of the action.

(e) A transfer of a possessory interest in real property subject to the provisions of this section may not be invalidated solely because of the failure of any person to comply with the provisions of this section.

(f) The provisions of this section shall apply to, regulate and determine the rights, duties, obligations and remedies, at common law or otherwise, of the seller marketing the seller's real property for sale through a real estate licensee, and of the purchaser of real property offered for sale through a real estate licensee, with respect to disclosure of third-party information concerning the subject real property's size or area, in square footage or otherwise, and this section hereby supplants and abrogates all common-law liability, rights, duties, obligations and remedies of all parties therefor.

SOURCES: Laws, 2013, ch. 500, § 1, eff from and after July 1, 2013.

§ 73-35-7. Qualifications for license.

Licenses shall be granted only to persons who present, and to corporations, partnerships, companies or associations whose officers, associates or partners present satisfactory proof to the commission that they are trustworthy and competent to transact the business of a real estate broker or real estate salesperson in such manner as to safeguard the interests of the public. Every person who applies for a resident license as a real estate broker: (a) shall be age twenty-one (21) years or over, and have his legal domicile in the State of Mississippi at the time he applies; (b) shall be subject to the jurisdiction of this state, subject to the income tax laws and other excise laws thereof, subject to the road and bridge privilege tax laws thereof; (c) shall not be an elector in any other state; (d) shall have held a license as an active real estate salesperson for twelve (12) months immediately prior to making application for the broker's examination hereafter specified; (e) shall have successfully completed a minimum of one hundred twenty (120) hours of courses in real estate as hereafter specified; and (f) shall have successfully completed the real estate broker's examination as hereafter specified.

An applicant who has not held an active real estate salesperson's license for a period of at least twelve (12) months immediately prior to submitting an application shall have successfully completed a minimum of one hundred fifty (150) classroom hours in real estate courses, which courses are acceptable for

credit toward a degree at a college or university as approved by the Southern Association of Colleges and Schools.

Every applicant for a resident license as a real estate salesperson shall be age eighteen (18) years or over, shall be a bona fide resident of the State of Mississippi prior to filing his application, and shall have successfully completed a minimum of sixty (60) hours in courses in real estate as hereafter specified; and shall have successfully completed the real estate salesperson's examination as hereafter specified.

The residency requirements set forth in this section shall not apply to those licensees of other states who qualify and obtain nonresident licenses in this state.

The commission is authorized to exempt from such prelicensing educational requirements, in whole or in part, a real estate licensee of another state who desires to obtain a license under this chapter, provided that the prelicensing educational requirements in the other state are determined by the commission to be equivalent to prelicensing educational requirements in this state and provided that such state extends this same privilege or exemption to Mississippi real estate licensees. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, 1942, § 8920-04; Laws, 1954, ch. 318, § 4; Laws, 1960, ch. 395, § 1; Laws, 1974, ch. 485, § 2; Laws, 1976, ch. 445, § 1; reenacted and amended, Laws, 1980, ch. 499, § 4; Laws, 1983, ch. 476, § 1; Laws, 1988, ch. 477, § 4; Laws, 1991, ch. 355, § 3; Laws, 1992, ch. 533, § 2; Laws, 1994, ch. 520, § 2; Laws, 2002, ch. 512, § 4; Laws, 2013, ch. 350, § 33, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added this last sentence in the last paragraph; and made minor stylistic changes.

§ 73-35-13. Written examination requirement; exemption for licensee of another state; reciprocity.

(1) In addition to proof of his honesty, trustworthiness and good reputation, the applicant shall take a written examination which shall be held at least four (4) times each year at regular intervals and on stated times by the commission and shall test reading, writing, spelling, elementary arithmetic and his general knowledge of the statutes of this state relating to real property, deeds, mortgages, agreements of sale, agency, contract, leases, ethics, appraisals, the provisions of this chapter and such other matters the commission certifies as necessary to the practice of real estate brokerage in the State of Mississippi. The examination for a broker's license shall differ from the examination for a salesperson's license, in that it shall be of a more exacting nature and require higher standards of knowledge of real estate. The commission shall cause examinations to be conducted at such times and places as it shall determine.

(2) In event the license of any real estate broker or salesperson is revoked by the commission subsequent to the enactment of this chapter, no new license shall be issued to such person unless he complies with the provisions of this chapter.

(3) No person shall be permitted or authorized to act as a real estate broker or salesperson until he has qualified by examination, except as hereinbefore provided. Any individual who fails to pass the examination for salesperson upon two (2) occasions, shall be ineligible for a similar examination, until after the expiration of three (3) months from the time such individual last took the examination. Any individual who fails to pass the broker's examination upon two (2) occasions, shall be ineligible for a similar examination until after the expiration of six (6) months from the time such individual last took the examination, and then only upon making application as in the first instance.

(4) If the applicant is a partnership, association or corporation, the examination shall be taken on behalf of the partnership, association or corporation by the member or officer thereof who is designated in the application as the person to receive a license by virtue of the issuing of a license to such partnership, association or corporation.

(5) Upon satisfactorily passing such examination and upon complying with all other provisions of law and conditions of this chapter, a license shall thereupon be issued to the successful applicant who, upon receiving such license, is authorized to conduct the business of a real estate broker or real estate salesperson in this state.

(6) The commission is authorized to exempt from such examination, in whole or in part, a real estate licensee of another state who desires to obtain a license under this chapter, provided that the examination administered in the other state is determined by the commission to be equivalent to such examination given in this state and provided that such other state extends this same privilege or exemption to Mississippi real estate licensees. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Codes, 1942, § 8920-07; Laws, 1954, ch. 318, § 7; Laws, 1955 Ex. Sess., ch. 94, § 2; Laws, 1979, ch. 493, § 2; reenacted, Laws, 1980, ch. 499, § 7; Laws, 1988, ch. 477, § 7; Laws, 1992, ch. 533, § 4; Laws, 1994, ch. 520, § 4; Laws, 2002, ch. 512, § 6; Laws, 2013, ch. 350, § 34, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence of (6) and made minor stylistic changes throughout.

§ 73-35-21. Grounds for refusing to issue or suspending or revoking license; hearing.

JUDICIAL DECISIONS

3. Misrepresentations.

Suspension by the Mississippi Real Estate Commission of real estate brokers' licenses for two brokers, an affiliate broker and a responsible broker, was appropriate because the brokers engaged in prohibited conduct in connection with a

real estate transaction as substantial evidence existed to show that the affiliate broker misrepresented to a buyer that a contract for the purchase of a home had been formed. *Gussio v. Miss. Real Estate Comm'n*, 122 So. 3d 783 (Miss. Ct. App. 2013).

CHAPTER 36

Registered Foresters

SEC.

73-36-31. Reciprocity.

§ 73-36-31. Reciprocity.

A person not a resident of and having no established place of business in Mississippi, or who has recently become a resident, may use the title of registered forester in Mississippi, provided: (a) such person is legally licensed as a registered forester in his own state or county and has submitted evidence to the board that he is so licensed and that the requirements for registration are at least substantially equivalent to the requirements of this chapter; and (b) the state or county in which he is so licensed observes these same rules of reciprocity in regard to persons licensed under this chapter. Each person seeking the privileges of reciprocity granted under this chapter shall submit his application to the board and must receive a card or certificate from the board before exercising such privileges. The fee for obtaining a license through reciprocity shall be the same as charged a Mississippi licensee. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1977, ch. 475, § 15; reenacted, Laws, 1983, ch. 326, § 16; reenacted, Laws, 1991, ch. 330, § 16; Laws, 2000, ch. 601, § 12; reenacted without change, Laws, 2004, ch. 416, § 16; Laws, 2013, ch. 350, § 35, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence of the section.

CHAPTER 38

Speech Pathologists and Audiologists

SEC.

73-38-23. Licensing of persons currently licensed in other jurisdictions and of persons certified as clinically competent by ASHA.

§ 73-38-23. Licensing of persons currently licensed in other jurisdictions and of persons certified as clinically competent by ASHA.

(1) The board may waive the examination for licensure of any applicant who presents proof of current licensure in another state, including the District of Columbia, or territory of the United States which maintains professional standards considered by the council to be equivalent to those set forth in this chapter. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(2) The board shall waive the examination for licensure of any person certified as clinically competent by ASHA in the area for which such person is applying for licensure.

SOURCES: Laws, 1975, ch. 495, § 12; Laws, 1980, ch. 546, § 12; Laws, 1988, ch. 411, § 12; reenacted and amended, Laws, 2002, ch. 461, § 12; brought forward without change, Laws, 2005, ch. 455, § 12; Laws, 2013, ch. 350, § 36, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence in (1); and made a minor stylistic change.

CHAPTER 39

Veterinarians

Mississippi Veterinary Practice Act	73-39-51
---	----------

MISSISSIPPI VETERINARY PRACTICE ACT

SEC.	
73-39-71.	Issuance of license by endorsement at discretion of board; board authorized to examine person qualifying for license by endorsement.

§ 73-39-71. Issuance of license by endorsement at discretion of board; board authorized to examine person qualifying for license by endorsement.

(1) The board may issue a license by endorsement to an applicant who furnishes satisfactory proof that he is a graduate of an accredited college of veterinary medicine or the educational equivalence. The applicant must also show that he is a person of good moral character and is licensed to practice veterinary medicine in at least one (1) state, territory or district of the United States and has practiced veterinary medicine in one or more of those states without disciplinary action by any state or federal agency for at least the three (3) years immediately before filing the application.

(2) The board may examine any person qualifying for licensing under this section.

(3) The issuance of a license by endorsement to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 2005, ch. 421, § 11; reenacted without change, Laws, 2008, ch. 447, § 11; Laws, 2013, ch. 350, § 37, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added (3).

CHAPTER 50

Licensing, Certifying or Registering Military-trained Individuals or Spouses to Lawfully Practice Occupation

SEC.

73-50-1.

Issuance of license, certificate or registration by occupational licensing board to military-trained or military spouse applicants to lawfully practice occupation in Mississippi under certain circumstances; temporary practice permit.

§ 73-50-1. Issuance of license, certificate or registration by occupational licensing board to military-trained or military spouse applicants to lawfully practice occupation in Mississippi under certain circumstances; temporary practice permit.

(1) As used in this section, the term:

(a) "License" means any license (other than a privilege license), certificate or other evidence of qualification that an individual is required to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) "Occupational licensing board" means any state board, commission, department or other agency in Mississippi that is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses. For the purposes of this section, the State Department of Education shall be considered an occupational licensing board when issuing teacher licenses under Section 37-3-2.

(2) Notwithstanding any other provision of law, an occupational licensing board shall issue a license, certification or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in Mississippi if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(a) Has been awarded a military occupational specialty and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure, certification or registration of the occupational licensing board from which the applicant is seeking licensure, certification or registration in this state: completed a military program of training, com-

pleted testing or equivalent training and experience as determined by the board, and performed in the occupational specialty.

(b) Has engaged in the active practice of the occupation for which the person is seeking a license, certification or permit from the occupational licensing board in this state for at least two (2) of the five (5) years preceding the date of the application under this section.

(c) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this state at the time the act was committed.

(d) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

(3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license, certification or registration to a military spouse to allow the military spouse to lawfully practice the military spouse's occupation in Mississippi if, upon application to an occupational licensing board, the military spouse satisfies the following conditions:

(a) Holds a current license, certification or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification or registration are substantially equivalent to or exceed the requirements for licensure, certification or registration of the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

(b) Can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience for at least two (2) of the five (5) years preceding the date of the application under this section.

(c) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in this state at the time the act was committed.

(d) Is in good standing and has not been disciplined by the agency that has jurisdiction to issue the license, certification or permit.

(e) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification or registration in this state.

(4) All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as required under subsection (2) or (3) of this section.

(5) A nonresident licensed, certified or registered under this section shall be entitled to the same rights and subject to the same obligations as required of a resident licensed, certified or registered by an occupational licensing board in this state.

(6) An occupational licensing board may issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection

(2) or (3) of this section if that jurisdiction has licensure, certification or registration standards substantially equivalent to the standards for licensure, certification or registration of an occupational licensing board in this state. The military-trained applicant or military spouse may practice under the temporary permit until a license, certification or registration is granted or until a notice to deny a license, certification or registration is issued in accordance with rules adopted by the occupational licensing board.

(7) An occupational licensing board may adopt rules necessary to implement this section.

(8) Nothing in this section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure, certification or registration requirements established by an occupational licensing board in this state.

(9) Nothing in this section shall be construed to apply to the practice of law as regulated under Section 73-3-1 et seq.

SOURCES: Laws, 2013, ch. 350, § 1, eff from and after July 1, 2013.

Editor's Note — Laws of 2013, ch. 350, § 2 provides:

“SECTION 2. Within one (1) year from the effective date of this act [July 1, 2013], each occupational licensing board regulating an occupation in this state shall implement the requirements of Section 1 of this act [Section 73-50-1].”

CHAPTER 53

Licensing and Regulation of Social Workers

SEC.

- 73-53-8. Creation of Board of Examiners for Social Workers and Marriage and Family Therapists; composition of board; powers and duties of board [Repealed effective July 1, 2018].
- 73-53-13. Licensure prerequisites [Repealed effective July 1, 2018].

§ 73-53-3. Definitions [Repealed effective July 1, 2018].

SOURCES: Laws, 1987, ch. 421, § 2; Laws, 1997, ch. 516, § 23; reenacted without change, Laws, 1999, ch. 438, § 1; reenacted without change, Laws, 2001, ch. 421, § 1; reenacted and amended, Laws, 2011, ch. 462, § 2; reenacted without change, Laws, 2014, ch. 395, § 1, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 1, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-53-8. Creation of Board of Examiners for Social Workers and Marriage and Family Therapists; composition of board; powers and duties of board [Repealed effective July 1, 2018].

(1) There is created the Board of Examiners for Social Workers and Marriage and Family Therapists to license and regulate social workers and marriage and family therapists. The board shall be composed of ten (10) members, six (6) of which shall be social workers and four (4) of which shall be marriage and family therapists.

(2) Of the social worker members of the board, two (2) must be licensed social workers, and four (4) must be licensed master social workers or licensed certified social workers or a combination thereof. The marriage and family therapist members of the board must be licensed marriage and family therapists. For at least two (2) years immediately preceding his or her appointment, each marriage and family therapist appointee must have been actively engaged as a marriage and family therapist in rendering professional services in marriage and family therapy, or in the education and training of master's, doctoral or post-doctoral students of marriage and family therapy, or in marriage and family therapy research, and during the two (2) years preceding his or her appointment, must have spent the majority of the time devoted to that activity in this state. The initial marriage and family therapist appointees shall be deemed to be and shall become licensed practicing marriage and family therapists immediately upon their appointment and qualification as members of the board. All subsequent marriage and family therapist appointees to the board must be licensed marriage and family therapists before their appointment.

(3) The Governor shall appoint six (6) members of the board, four (4) of which shall be social workers and two (2) of which shall be marriage and family therapists, and the Lieutenant Governor shall appoint four (4) members of the board, two (2) of which shall be social workers and two (2) of which shall be marriage and family therapists. Social worker members of the board shall be appointed from nominations submitted by the Mississippi Chapter of the National Association of Social Workers, and marriage and family therapist members of the board shall be appointed from nominations submitted by the Mississippi Association for Marriage and Family Therapy. All appointments shall be made with the advice and consent of the Senate.

(4) The initial appointments to the board shall be made as follows: The Governor shall appoint one (1) social worker member for a term that expires on June 30, 1999, one (1) social worker member for a term that expires on June 30, 2001, two (2) social worker members for terms that expire on June 30, 2002, one (1) marriage and family therapist member for a term that expires on June 30, 1998, and one (1) marriage and family therapist member for a term that expires on June 30, 2000. The Lieutenant Governor shall appoint one (1) social worker member for a term that expires on June 30, 1998, one (1) social worker member for a term that expires on June 30, 2000, one (1) marriage and family therapist member for a term that expires on June 30, 1999, and one (1)

marriage and family therapist member of the board for a term that expires on June 30, 2001. After the expiration of the initial terms, all subsequent appointments shall be made by the original appointing authorities for terms of four (4) years from the expiration date of the previous term. Upon the expiration of his or her term of office, a board member shall continue to serve until his or her successor has been appointed and has qualified. No person may be appointed more than once to fill an unexpired term or more than two (2) consecutive full terms.

(5) Any vacancy on the board before the expiration of a term shall be filled by appointment of the original appointing authority for the remainder of the unexpired term. Appointments to fill vacancies shall be made from nominations submitted by the appropriate organization as specified in subsection (2) of this section for the position being filled.

(6) The appointing authorities shall give due regard to geographic distribution, race and sex in making all appointments to the board.

(7) The board shall select one (1) of its members to serve as chairman during the term of his or her appointment to the board. No person may serve as chairman for more than four (4) years. The board may remove any member of the board or the chairman from his or her position as chairman for (a) malfeasance in office, or (b) conviction of a felony or a crime of moral turpitude while in office, or (c) failure to attend three (3) consecutive board meetings. However, no member may be removed until after a public hearing of the charges against him or her, and at least thirty (30) days' prior written notice to the accused member of the charges against him or her and of the date fixed for such hearing. No board member shall participate in any matter before the board in which he has a pecuniary interest, personal bias or other similar conflict of interest.

(8) Board members shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of official board business as provided in Section 25-3-41.

(9) Four (4) social worker members and three (3) marriage and family therapist members of the board shall constitute a quorum of the board. In making its decisions and taking actions affecting the members of one (1) of the professions regulated by the board, the board shall consider the recommendations of the board members who are members of that profession. If the board is unable to have a quorum present at a regularly scheduled meeting location, the board may allow other members to participate in the meeting by telephone or other electronic means. In the case of an administrative hearing, when recusals from the process are necessary, a quorum may consist of a simple majority of six (6) members.

(10) The principal office of the board shall be in the City of Jackson, but the board may act and exercise all of its powers at any other place. The board shall adopt an official seal, which shall be judicially noticed and which shall be affixed to all licenses issued by the board.

(11) The board is authorized to employ, subject to the approval of the State Personnel Board, an executive director and such attorneys, experts and other

employees as it may, from time to time, find necessary for the proper performance of its duties and for which the necessary funds are available, and to set the salary of the executive director, subject to the approval of the State Personnel Board.

(12) The board, by a majority vote, from time to time, may make such provisions as it deems appropriate to authorize the performance by any board member or members, employee or other agent of the board of any function given the board in this chapter or Sections 73-54-1 through 73-54-39.

SOURCES: Laws, 1997, ch. 516, § 21, reenacted without change, Laws, 1999, ch. 438, § 2; reenacted and amended, Laws, 2001, ch. 421, § 3; reenacted and amended, Laws, 2011, ch. 462, § 5; reenacted and amended, Laws, 2014, ch. 395, § 2, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment reenacted and amended the section by making minor stylistic changes in (12).

§ 73-53-10. Fiscal support of board [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 22; reenacted without change, Laws, 1999, ch. 438, § 3; reenacted without change, Laws, 2001, ch. 421, § 4; reenacted and amended, Laws, 2011, ch. 462, § 6; reenacted without change, Laws, 2014, ch. 395, § 3, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 3, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-53-11. Powers and duties of board [Repealed effective July 1, 2018].

SOURCES: Laws, 1987, ch. 421, § 6; Laws, 1997, ch. 516, § 24; reenacted without change, Laws, 1999, ch. 438, § 4; reenacted without change, Laws, 2001, ch. 421, § 5; reenacted and amended, Laws, 2011, ch. 462, § 7; reenacted without change, Laws, 2014, ch. 395, § 4, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 4, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-53-13. Licensure prerequisites [Repealed effective July 1, 2018].

The board shall issue the appropriate license to applicants who meet the qualifications of this section.

(a) A license as a “licensed social worker” shall be issued to an applicant who demonstrates to the satisfaction of the board that he or she meets the following qualifications:

(i) Has a baccalaureate degree in social work from a college or university accredited by the Council on Social Work Education or Southern Association of Colleges and Schools and has satisfactorily completed the Association for Social Work Boards (ASWB) examination for this license; or

(ii) Has a comparable license or registration from another state or territory of the United States of America that imposes qualifications substantially similar to those of this chapter.

(b) A license as a “licensed master’s social worker” shall be issued to an applicant who demonstrates to the satisfaction of the board that he or she meets the following qualifications:

(i) Has a doctorate or master’s degree from a school of social work accredited by the Council on Social Work Education; and

(ii) Has satisfactorily completed the ASWB examination for this license; or

(iii) Has a comparable license or registration from another state or territory of the United States of America that imposes qualifications substantially similar to those of this chapter.

(c) A license as a “licensed certified social worker” shall be issued to an applicant who demonstrates to the satisfaction of the board that he or she meets the following qualifications:

(i) Is licensed under this section as a “master’s social worker”; and

(ii) Has twenty-four (24) months of professional supervision and clinical or macro social work practice experience acceptable to the board, under appropriate supervision; and

(iii) Has satisfactorily completed the ASWB examination for this license; or

(iv) Has a comparable license or registration from another state or territory of the United States of America that imposes qualifications substantially similar to those of this chapter.

(d) In addition to the above qualifications, an applicant for any of the above licenses must prove to the board’s satisfaction:

(i) Age of at least twenty-one (21) years, and

(ii) Good moral character, which is a continuing requirement for licensure, and

(iii) United States of America citizenship or status as a legal resident alien, and

(iv) Absence of conviction of a felony related to the practice of social work for the last ten (10) years. Conviction, as used in this subparagraph, includes a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of guilt, an admission of guilty, or a plea of nolo contendere, and

(v) That the applicant has not been declared mentally incompetent by any court, and if any such decree has ever been rendered, that the decree has since been changed, and

(vi) Freedom from dependency on alcohol or drugs, and

(vii) Complete criminal history records check, including a fingerprint and an acceptable sex offender check, by appropriate governmental authorities as prescribed by the board.

(e) Only individuals licensed as “certified social workers” shall be permitted to call themselves “clinical social workers.”

The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SOURCES: Laws, 1987, ch. 421, § 7; Laws, 1997, ch. 516, § 25; Laws, 1997, ch. 588, § 64; reenacted without change, Laws, 1999, ch. 438, § 5; reenacted without change, Laws, 2001, ch. 421, § 6; reenacted and amended, Laws, 2011, ch. 462, § 8; Laws, 2013, ch. 350, § 38; reenacted without change, Laws, 2014, ch. 395, § 5, eff from and after July 1, 2014.

Amendment Notes — The 2013 amendment added the second paragraph of (e). The 2014 amendment reenacted the section without change.

CHAPTER 54

Marriage and Family Therapists

SEC.

73-54-5. Definitions [Repealed effective July 1, 2018].

73-54-23. Licensure of persons holding out-of-state license or certification [Repealed effective July 1, 2018].

73-54-41. Repeal of Sections 73-54-1 through 73-54-39, 73-53-3, 73-53-8, 73-53-10, 73-53-11, and 73-53-13.

§ 73-54-1. Title [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 1; reenacted without change, Laws, 2014, ch. 395, § 6, eff from and after July 1, 2014.

Editor’s Note — This section was reenacted without change by Laws of 2014, ch. 395, § 6, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-3. Declaration of policy and purpose [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 2; reenacted without change, Laws, 1999, ch. 438, § 7; reenacted without change, Laws, 2001, ch. 421, § 10; reenacted without change, Laws, 2011, ch. 462, § 16; reenacted without change, Laws, 2014, ch. 395, § 7, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 7, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-5. Definitions [Repealed effective July 1, 2018].

As used in this chapter and in Section 73-53-8, unless the context clearly requires a different meaning:

(a) "Licensed marriage and family therapist" means a person to whom a license has been issued under this chapter and Section 73-53-8, which license is in force and not suspended or revoked as of the particular time in question.

(b) "Licensed marriage and family therapy associate" means a person to whom a marriage and family therapy associate license has been issued under this chapter and Section 73-53-8, which license is in force and not suspended or revoked as of the particular time in question.

(c) "Marriage and family therapy" means the rendering of professional therapy services to individuals, families or couples, singly or in groups, and involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of therapy services to those persons.

(d) "Practice of marriage and family therapy" means the rendering of professional marriage and family therapy services to individuals, couples and families, singly or in groups, whether those services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise. This involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of therapy services to those persons. Licensed marriage and family therapists may use specialized clinical knowledge and advanced clinical skill in the areas of assessment, diagnosis, and the treatment of mental, emotional, and behavioral disorders, conditions, and addictions within a marriage and family therapy treatment context. This definition shall not be construed to include psychological evaluation or testing, including administering and interpreting psychological tests, such as intellectual, neuropsychological, advanced personality, and projective instruments, or the labeling of any test, report or procedure as psychological or as a psychological evaluation. The terms "assessment" and "treatment" shall not be construed to permit the performance of any act that marriage and family therapists are

not educated and trained to perform. This shall not limit licensed marriage and family therapists in the use of assessment instruments for which they were trained to evaluate individuals, couples and family members with regard to marriage and family functioning.

(e) “Advertise” means, but is not limited to, issuing or causing to be distributed any card, sign or device to any person; causing, permitting or allowing any sign or marking on or in any building; broadcasting by radio or television; or advertising on the Internet or by any other means designed to secure public attention.

(f) “Use a title or description of” means to hold oneself out to the public as having a particular status by means of stating it on signs, mailboxes, address plates, stationery, announcements, calling cards, the Internet or other instruments of professional identification.

(g) “Board” means the Board of Examiners for Social Workers and Marriage and Family Therapists created by Section 73-53-8.

(h) “Institution of higher education” means any regionally accredited institution of higher learning in the United States that offers a master’s or doctoral degree; for foreign universities, this term means an institution of higher education accredited by a legal agency of that country that is satisfactory to the board.

(i) “Examination” means the test or exam endorsed or prescribed by the Association for Marital and Family Therapy Regulatory Boards.

(j) “Person” means any individual, firm, corporation, partnership, organization or body politic.

SOURCES: Laws, 1997, ch. 516, § 3; reenacted without change, Laws, 1999, ch. 438, § 8; reenacted and amended, Laws, 2001, ch. 421, § 11; reenacted and amended, Laws, 2011, ch. 462, § 17; reenacted and amended, Laws, 2014, ch. 395, § 8, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment reenacted and amended the section by adding the second through sixth sentences of (d).

§ 73-54-7. Practicing marriage and family therapy or using certain titles without license prohibited; penalties [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 4; reenacted without change, Laws, 1999, ch. 438, § 9; reenacted without change, Laws, 2001, ch. 421, § 12; reenacted and amended, Laws, 2011, ch. 462, § 18; reenacted without change, Laws, 2014, ch. 395, § 9, eff from and after July 1, 2014.

Editor’s Note — This section was reenacted without change by Laws of 2014, ch. 395, § 9, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-9. Exemptions [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 5; reenacted without change, Laws, 1999, ch. 438, § 10; reenacted and amended, Laws, 2001, ch. 421, § 13; reenacted and amended, Laws, 2011, ch. 462, § 19; reenacted without change, Laws, 2014, ch. 395, § 10, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 10, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-11. Powers of board [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 6; reenacted without change, Laws, 1999, ch. 438, § 11; reenacted without change, Laws, 2001, ch. 421, § 14; reenacted and amended, Laws, 2011, ch. 462, § 20; reenacted without change, Laws, 2014, ch. 395, § 11, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 11, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-13. Licensure prerequisites [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 7; reenacted without change, Laws, 1999, ch. 438, § 12; reenacted without change, Laws, 2001, ch. 421, § 15; reenacted and amended, Laws, 2011, ch. 462, § 21; reenacted without change, Laws, 2014, ch. 395, § 12, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 12, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-17. Qualification for marriage and family therapy licensure after September 1, 2000; qualification for marriage and family therapy associate licensure after September 1, 2011 [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 9; reenacted without change, Laws, 1999, ch. 438, § 14; reenacted and amended, Laws, 2001, ch. 421, § 17; reenacted and amended, Laws, 2011, ch. 462, § 23; reenacted without change, Laws, 2014, ch. 395, § 13, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 13, effective from and after July 1, 2014. Since the language of the section as it

appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-19. Examination; cost of examination to be paid by applicant [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 10; reenacted without change, Laws, 1999, ch. 438, § 15; reenacted without change, Laws, 2001, ch. 421, § 18; reenacted and amended, Laws, 2011, ch. 462, § 24; reenacted without change, Laws, 2014, ch. 395, § 14, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 14, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-23. Licensure of persons holding out-of-state license or certification [Repealed effective July 1, 2018].

The board shall issue a license by examination of credentials to any applicant licensed or certified as a marriage and family therapist in another state that has such requirements for the license or certificate that the board is of the opinion that the applicant is competent to engage in the practice of marriage and family therapy in this state, provided that the applicant submits an application on forms prescribed by the board, has passed the national Examination in Marital and Family Therapy, and pays the original licensure fee prescribed by Section 73-54-25. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1997, ch. 516, § 12; reenacted without change, Laws, 1999, ch. 438, § 17; reenacted without change, Laws, 2001, ch. 421, § 19; reenacted and amended, Laws, 2011, ch. 462, § 25; Laws, 2013, ch. 350, § 39; reenacted without change, Laws, 2014, ch. 395, § 15, eff from and after July 1, 2014.

Amendment Notes — The 2013 amendment added the last sentence. The 2014 amendment reenacted the section without change.

§ 73-54-27. Expiration of license; renewal; inactive status [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 14; reenacted without change, Laws, 1999, ch. 438, § 19; reenacted and amended, Laws, 2001, ch. 421, § 21; Laws, 2007, ch. 309, § 34; reenacted and amended, Laws, 2011, ch. 462, § 27; reenacted without change, Laws, 2014, ch. 395, § 16, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 16, effective from and after July 1, 2014. Since the language of the section as it

appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-29. Grounds for disciplinary sanction [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 15; reenacted without change, Laws, 1999, ch. 438, § 20; reenacted without change, Laws, 2001, ch. 421, § 22; reenacted and amended, Laws, 2011, ch. 462, § 28; reenacted without change, Laws, 2014, ch. 395, § 17, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 17, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-31. Disciplinary proceedings [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 16; reenacted without change, Laws, 1999, ch. 438, § 21; reenacted without change, Laws, 2001, ch. 421, § 23; reenacted without change, Laws, 2011, ch. 462, § 29; reenacted without change, Laws, 2014, ch. 395, § 18, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 18, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-33. Use of expert witnesses in proceedings before the board [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 17; reenacted without change, Laws, 1999, ch. 438, § 22; reenacted and amended, Laws, 2001, ch. 421, § 24; reenacted without change, Laws, 2011, ch. 462, § 30; reenacted without change, Laws, 2014, ch. 395, § 19, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 19, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-35. Disciplinary sanctions [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 18; reenacted without change, Laws, 1999, ch. 438, § 23; reenacted without change, Laws, 2001, ch. 421, § 25; reenacted

without change, Laws, 2011, ch. 462, § 31; reenacted without change, Laws, 2014, ch. 395, § 20, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2011, ch. 462, effective from and after July 1, 2011. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

This section was reenacted without change by Laws of 2014, ch. 395, § 20, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-37. Confidentiality and privileged information; exceptions [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 19; reenacted without change, Laws, 1999, ch. 438, § 24; reenacted and amended, Laws, 2001, ch. 421, § 26; reenacted and amended, Laws, 2011, ch. 462, § 32; reenacted without change, Laws, 2014, ch. 395, § 21, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 21, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-39. Competency of therapist or therapy associate to testify in alimony, custody or divorce actions [Repealed effective July 1, 2018].

SOURCES: Laws, 1997, ch. 516, § 20; reenacted without change, Laws, 1999, ch. 438, § 25; reenacted without change, Laws, 2001, ch. 421, § 27; reenacted and amended, Laws, 2011, ch. 462, § 33; reenacted without change, Laws, 2014, ch. 395, § 22, eff from and after July 1, 2014.

Editor's Note — This section was reenacted without change by Laws of 2014, ch. 395, § 22, effective from and after July 1, 2014. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not reprinted in this supplement.

Amendment Notes — The 2014 amendment reenacted the section without change.

§ 73-54-41. Repeal of Sections 73-54-1 through 73-54-39, 73-53-3, 73-53-8, 73-53-10, 73-53-11, and 73-53-13.

Sections 73-54-1 through 73-54-39, and Sections 73-53-3 73-53-8, 73-53-10, 73-53-11 and 73-53-13, shall stand repealed on July 1, 2018.

SOURCES: Laws, 1999, ch. 438, § 27; Laws, 2001, ch. 421, § 28; Laws, 2011, ch. 462, § 34; Laws, 2014, ch. 395, § 23, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment extended the date of the repealer provision from “July 1, 2014” for “July 1, 2018.”

CHAPTER 60

Home Inspectors

SEC.

- 73-60-1. Definitions [Repealed effective July 1, 2017].
- 73-60-3. Administration and enforcement of chapter by Mississippi Real Estate Commission; powers and duties of commission [Repealed effective July 1, 2017].
- 73-60-5. Repealed.
- 73-60-7. Powers and duties of Mississippi Real Estate Commission; civil and criminal immunity [Repealed effective July 1, 2017].
- 73-60-23. Continuing education courses [Repealed effective July 1, 2017].
- 73-60-25. Reciprocity for nonresident home inspectors.
- 73-60-29. Licensing fees; Home Inspectors License Fund [Repealed effective July 1, 2017].
- 73-60-45. Commission authorized to employ legal counsel [Repealed effective July 1, 2017].

§ 73-60-1. Definitions [Repealed effective July 1, 2017].

The following words shall have the meaning ascribed in this section unless the context clearly indicates otherwise:

(a) “Client” means any person who engages or seeks to engage the services of a home inspector for the purpose of obtaining an inspection of and written report on the conditions of a residential building.

(b) “Home inspection” means the process by which a home inspector examines the observable systems and components of improvements to residential real property that are readily accessible.

(c) “Home inspection report” means a written evaluation prepared and issued by a home inspector concerning the condition of the improvements to residential real property.

(d) “Home inspector” means any person, who for compensation, conducts a home inspection.

(e) “Residential real property” means a structure intended to be, or that is in fact, used as a residence and consisting of one (1) to four (4) family dwelling units.

(f) “Commission” means the Mississippi Real Estate Commission as established under Section 73-35-5, Mississippi Code of 1972.

SOURCES: Laws, 2001, ch. 539, § 2; Laws, 2013, ch. 442, § 1, eff from and after July 1, 2013.

Editor’s Note — Laws of 2013, ch. 442, § 8 provides:

“SECTION 8. This act shall take effect and be in force from and after July 1, 2013, and shall stand repealed on July 1, 2017.”

Amendment Notes — The 2013 amendment deleted former (e) which read: “ ‘Board’ means the Home Inspector Regulatory Board that is created pursuant to the provisions of this chapter” and redesignated former (f) and (g) as (e) and (f).

§ 73-60-3. Administration and enforcement of chapter by Mississippi Real Estate Commission; powers and duties of commission [Repealed effective July 1, 2017].

This chapter shall be administered and enforced by the Mississippi Real Estate Commission, which shall have the duties and powers to:

(a) Receive applications for licensure as a home inspector under this chapter, establish appropriate administrative procedures for the processing of applications and issue licenses to qualified applicants pursuant to the provisions of this chapter;

(b) Implement recommendations made to the commission with respect to upgrading and improving the experience, education and examination requirements that are required for a home inspector license;

(c) Adopt and publish a code of ethics and standards of practice for persons licensed under this chapter;

(d) Collect all licensing fees required or permitted by this chapter;

(e) Take appropriate action upon a decision and the related findings of fact made by the commission, or a hearing officer employed by the commission, if, after an administrative hearing, the commission or hearing officer (i) determines that a licensed home inspector under this chapter has violated the code of ethics and standards established under this section, and (ii) recommends that the license of the home inspector be suspended or revoked, that renewal be denied, or that some other disciplinary action be taken;

(f) Develop and adopt a licensing examination, which would meet nationally recognized standards, to determine the knowledge of an applicant of the home inspector profession;

(g) Solicit bids and enter into contracts with one (1) or more educational testing services or organizations approved by the board for the preparation of questions and answers for licensure examinations under this chapter;

(h) Develop the application and license forms;

(i) Adopt rules and regulations for the administration of this chapter that are not inconsistent with the provisions of this chapter or the Constitution and laws of Mississippi or of the United States;

(j) Employ an assistant to the commission administrator who shall keep a record of all proceedings, transactions, communications and official acts of the commission and perform such other duties as the commission may require; and

(k) Employ such other staff and technical assistance as may be necessary to properly administer the requirements of this chapter.

SOURCES: Laws, 2001, ch. 539, § 2; Laws, 2013, ch. 442, § 2, eff from and after July 1, 2013.

Editor's Note — Laws of 2013, ch. 442, § 8 provides:

“SECTION 8. This act shall take effect and be in force from and after July 1, 2013, and shall stand repealed on July 1, 2017.”

Amendment Notes — The 2013 amendment deleted “by the Home Inspector Regulatory Board” preceding “with respect to upgrading and improving the experience”

in (b); in (e), substituted “the commission, or a hearing officer employed by the commission” for “the board” and “commissioner or hearing officer” for “board” thereafter; deleted “and board” following “commission” twice in (j); and made minor stylistic changes.

§ 73-60-5. Repealed.

Repealed by Laws of 2013, ch. 442, § 7, effective from and after July 1, 2013.

§ 73-60-5. [Laws, 2001, ch. 539, § 3; Laws, 2006, ch. 356, § 1, eff from and after July 1, 2006.]

Editor’s Note — Former § 73-60-5 created the Home Inspector Regulatory Board and provided for the board’s membership and duties.

§ 73-60-7. Powers and duties of Mississippi Real Estate Commission; civil and criminal immunity [Repealed effective July 1, 2017].

(1) The Mississippi Real Estate Commission shall have the duties and powers to:

(a) Be responsible for matters relating to home inspectors’ code of ethics and standards, home inspector qualifications, testing standards and disciplinary functions.

(b) Hold meetings, public hearings and administrative hearings and prepare examination specifications for licensed home inspectors.

(c) Conduct investigations, subpoena individuals and records, administer oaths, take testimony and receive evidence and to do all other things necessary and proper to discipline a person licensed under this chapter and to enforce this chapter. In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon application by the commission, may issue to this person an order requiring him to appear before the commission, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as contempt of court.

(d) Further define by regulation, the type of educational experience, home inspector experience and equivalent experience that will meet the statutory requirements.

(e) Suspend or revoke licenses pursuant to the disciplinary proceedings provided for in this chapter.

(f) Present an annual budget to the Mississippi Legislature for approval. A copy of the budget shall be given to the commission.

(2) The members of the commission shall be immune from any civil action or criminal prosecution for initiating or assisting in any lawful investigation of the actions of, or participating in any disciplinary proceeding concerning, a home inspector licensed pursuant to this chapter, provided that such action is

taken without malicious intent and in the reasonable belief that the action was taken pursuant to the powers and duties vested in the members of the commission under this chapter.

SOURCES: Laws, 2001, ch. 539, § 4; Laws, 2013, ch. 442, § 3, eff from and after July 1, 2013.

Editor's Note — Laws of 2013, ch. 442, § 8 provides:

"SECTION 8. This act shall take effect and be in force from and after July 1, 2013, and shall stand repealed on July 1, 2017."

Amendment Notes — The 2013 amendment substituted "Mississippi Real Estate Commission" for "Home Inspectors Regulatory Board" in (1); substituted "Suspend or revoke" for "Recommend suspension or revocation of" at the beginning of (1)(e); and deleted "and board" following "members of the commission" twice in (2).

§ 73-60-23. Continuing education courses [Repealed effective July 1, 2017].

(1) Each person who applies for renewal of his license shall successfully complete home inspector continuing education courses approved by the commission at the rate of twenty (20) hours every two (2) years. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the commission pursuant to rule.

(2) The commission shall establish criteria for certifying providers of continuing education for home inspectors. All such continuing education providers must be approved by the commission.

(3) Each renewal applicant shall certify, on his or her renewal application, full compliance with continuing education requirements. The provider of approval of continuing education shall retain and submit to the commission, after the completion of each course, evidence of those successfully completing the course.

SOURCES: Laws, 2001, ch. 539, § 12; Laws, 2013, ch. 442, § 4, eff from and after July 1, 2013.

Editor's Note — Laws of 2013, ch. 442, § 8 provides:

"SECTION 8. This act shall take effect and be in force from and after July 1, 2013, and shall stand repealed on July 1, 2017."

Amendment Notes — The 2013 amendment deleted "with the recommendation of the regulatory board" from the end of (1).

§ 73-60-25. Reciprocity for nonresident home inspectors.

A home inspector license may be issued to a home inspector from another state who satisfies one (1) of the following requirements: (a) holds a valid certificate of certification, registration or home inspector license in good standing issued by another state, which has requirements for licensure substantially identical to those of this state, or (b) has passed the examination offered by the American Society of Home Inspectors or the National Association

of Home Inspectors. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 2001, ch. 539, § 13; Laws, 2013, ch. 350, § 40, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence.

§ 73-60-29. Licensing fees; Home Inspectors License Fund [Repealed effective July 1, 2017].

The commission shall charge and collect appropriate fees for its services under this chapter. The fees charged shall not exceed the amounts indicated below and shall be set by the commission.

LICENSURE FEES:

Application and examination	\$175.00
Initial and renewal license	\$325.00
Delinquent renewal penalty	100% of renewal fee

SERVICES:

For each change of address	\$25.00
For each duplicate license	\$25.00
To change status as a licensee from active to inactive	\$25.00
For each bad check received by the commission	\$25.00

All fees charged and collected under this chapter shall be paid by the commission at least once a week, accompanied by a detailed statement thereof, to the credit of the fund known as the "Home Inspector License Fund," hereby created in the State Treasury. All monies which are collected under this chapter shall be paid into and credited to such fund for the use of the commission in carrying out the provisions of the chapter including the payment of salaries and expenses, printing an annual directory of licensees, and for educational purposes. All interest earned on the Home Inspector License Fund shall be retained by the commission for purposes consistent with this chapter. The commission shall prepare an annual statement of income and expenses related to its regulatory related administrative function.

SOURCES: Laws, 2001, ch. 539, § 15; Laws, 2013, ch. 442, § 5, eff from and after July 1, 2013.

Editor's Note — Laws of 2013, ch. 442, § 8 provides:

"SECTION 8. This act shall take effect and be in force from and after July 1, 2013, and shall stand repealed on July 1, 2017."

Amendment Notes — The 2013 amendment deleted the former next-to-last sentence of the last paragraph which read: "The commission shall submit a monthly statement to the board detailing any expenses which it bears as a share in the expense of administering this chapter, for which expenses it shall be reimbursed in the amount approved by the board"; and substituted "commission" for "board" throughout the section.

§ 73-60-45. Commission authorized to employ legal counsel [Repealed effective July 1, 2017]:

The commission may employ legal counsel to represent it in any proceedings when legal counsel is required.

SOURCES: Laws, 2001, ch. 539, § 23; Laws, 2013, ch. 442, § 6, eff from and after July 1, 2013

Editor's Note — Laws of 2013, ch. 442, § 8 provides:

"SECTION 8. This act shall take effect and be in force from and after July 1, 2013, and shall stand repealed on July 1, 2017."

Amendment Notes — The 2013 amendment substituted "commission" for "board" at the beginning of the section.

CHAPTER 61

Tattooing and Body Piercing

§ 73-61-1. Tattooing.

RESEARCH REFERENCES

ALR. Regulation of Business of Tattooing. 67 A.L.R.6th 395.

CHAPTER 63

Registered Professional Geologists Practice Act

SEC.

73-63-39. Recognition of out-of-state registration, licensure, or certification; reciprocal registration agreements.

§ 73-63-39. Recognition of out-of-state registration, licensure, or certification; reciprocal registration agreements.

(1) The board may sign agreements with boards of registration, licensure or certification in other states, and with other appropriate organizations and agencies, for the purposes of:

- (a) Developing uniform standards for registration of professional geologists or enrollment of geologists-in-training;
- (b) Accrediting educational programs;
- (c) Establishing reciprocity, comity, temporary registration, or mutual recognition of registration or enrollment;
- (d) Developing regional or national examinations;
- (e) Evaluating applicants; or
- (f) Other purposes consistent with this chapter.

(2) Any person holding a valid certificate of registration, licensure or certification for the practice of geology or a recognized specialty of geology,

issued under the laws of any state or territory or possession of the United States, or any foreign country, shall be eligible for registration, without examination. The board may issue a certificate of registration to any person who has made application, provided proof of registration, licensure or certification under requirements which the board determines to be substantially similar to those established under this chapter and paid all applicable fees. The issuance of a certificate of registration by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 1997, ch. 522, § 20; Laws, 2013, ch. 350, § 41, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence.

CHAPTER 65

Professional Art Therapists

SEC.
73-65-7. Certificate issuance and qualifications; continuing education.

§ 73-65-7. Certificate issuance and qualifications; continuing education.

(1) The board shall issue a license as a licensed professional art therapist to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant is at least twenty-one (21) years of age, is a registered art therapist as defined by the Art Therapy Credentials Board, Inc., demonstrates professional competency by satisfactorily passing the required examination, and is a board certified art therapist as defined by the Art Therapy Credentials Board, Inc.

(2) The board may approve on a case-by-case basis applicants who have a master's degree or a doctoral degree from nonaccredited institutions.

(3) If an applicant has met all of the requirements for licensure except satisfactorily passing the required examination, the applicant shall be scheduled to take the next examination following the approval of the examination.

(4) The board may issue a license to an applicant without examination if the person possesses a valid regulatory document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia, or any foreign nation that in the judgment of the board has requirements substantially equivalent to or exceeding the requirements in this section. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(5) The board may issue provisional licensure as a professional art therapist to any person who has completed the educational requirements established by the Art Therapy Credentials Board, Inc., and has met all

requirements for licensure as a professional art therapist, except the experience and/or examination requirements, and is under the supervision of a supervisor acceptable to the board.

(6) The board may set criteria for continuing education and supervisory experience.

SOURCES: Laws, 1998, ch. 568, § 4; reenacted and amended, Laws, 2000, ch. 489, § 4; reenacted without change, Laws, 2002, ch. 420, § 4; reenacted without change, Laws, 2004, ch. 350, § 4; Laws, 2012, ch. 406, § 4; Laws, 2013, ch. 350, § 42, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence in (4).

CHAPTER 67

Professional Massage Therapists

SEC.

- 73-67-7. Definitions [Repealed effective July 1, 2018].
- 73-67-21. Practice of massage therapy prohibited unless licensed; requirements for licensure; exemptions; validity of certificates of registration issued before July 1, 2008; fingerprint-based criminal history records check required [Repealed effective July 1, 2018].
- 73-67-23. Examination [Repealed effective July 1, 2018].
- 73-67-25. Reciprocity; temporary reciprocal permit [Repealed effective July 1, 2018].
- 73-67-29. Advertising restrictions; exemptions [Repealed effective July 1, 2018].
- 73-67-35. Education requirements for licensure; standards for massage therapy programs and schools; evidence of current national accreditation in lieu of application [Repealed effective July 1, 2018].
- 73-67-39. Repeal of Sections 73-67-1 through 73-67-37.

§ 73-67-1. Short title [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 1; reenacted without change, Laws, 2004, ch. 476, § 1; reenacted without change, Laws, 2008, ch. 451, § 1; reenacted without change, Laws, 2013, ch. 477, § 1, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-3. Legislative findings [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 2; reenacted without change, Laws, 2004, ch. 476, § 2; reenacted and amended, Laws, 2008, ch. 451, § 2; reenacted without change, Laws, 2013, ch. 477, § 2, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-5. Exemptions [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 3; reenacted and amended, Laws, 2004, ch. 476, § 3; reenacted without change, Laws, 2008, ch. 451, § 3; reenacted without change, Laws, 2013, ch. 477, § 3, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-7. Definitions [Repealed effective July 1, 2018].

For purposes of this chapter, the following terms shall have the meanings stated in this section, unless otherwise stated:

(a) "Approved massage therapy school" means a facility that is licensed by this board and meets the curriculum and instruction requirements as stated in this chapter.

(b) "Board" means the State Board of Massage Therapy as created in this chapter.

(c) "Board-accepted hours" means hours of education accepted by the board to meet requirements of exemption and/or continuing education for pre-act practitioners and is different from "board-approved programs" and/or "board-approved school hours."

(d) "Classroom hour" means no less than fifty (50) minutes of any one (1) clock hour during which the student participates in a learning activity under the supervision of a board licensed instructor.

(e) "Examination" means the State Board of Massage Therapy approved examination for licensure.

(f) "License" means a State Board of Massage Therapy approved form of credential indicating that the license holder has met the requirements of this chapter for the practice of massage therapy.

(g) "Massage" means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment). "Therapy" means action aimed at achieving or increasing health and wellness. "Massage therapy" means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools such as electric hand massagers used adjunctively to the applica-

tion of hand massage or devices designed as t-bars or knobblies, and (iii) instruct self-care and stress management. “Manual” means by use of hand or body.

(h) “Massage establishment” means a place of business where massage is being conducted.

(i) “Massage therapist” means a person who practices massage therapy.

(j) “MPMTA” means the “Mississippi Professional Massage Therapy Act.”

(k) “Mississippi State Law Examination” means the comprehensive examination on the Mississippi Professional Massage Therapy Act and the associated relevant Board Rules and Regulations that is given by the board or its representative.

(l) “Pre-act practitioner” means an individual who has practiced professional massage therapy before January 1, 2001.

(m) “Professional” means requiring minimum standards of conduct, ethics and education.

(n) “Provisional permit” means a temporary permit approved by the board when all requirements, other than board-approved national or state examinations, have been met, not to exceed ninety (90) days.

SOURCES: Laws, 2001, ch. 549, § 4; reenacted and amended, Laws, 2004, ch. 476, § 4; reenacted and amended, Laws, 2008, ch. 451, § 4; Laws, 2013, ch. 477, § 4, eff from and after July 1, 2013.

Editor’s Note — At the direction of the co-counsel for the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, a typographical error was corrected in a paragraph designation by substituting (m) for (lm).

Amendment Notes — The 2013 amendment added (k); and deleted “or the Mississippi law examination” following “board-approved national or state examinations” in (n).

§ 73-67-9. State Board of Massage Therapy; membership; quorum [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 5; reenacted and amended, Laws, 2004, ch. 476, § 5; reenacted and amended, Laws, 2008, ch. 451, § 5; reenacted without change, Laws, 2013, ch. 477, § 5, eff from and after July 1, 2013.

Editor’s Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-11. Bond of executive secretary of board; State Board of Massage Therapy Fund [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 6; reenacted and amended, Laws, 2004, ch. 476, § 6; reenacted without change, Laws, 2008, ch. 451, § 6; reenacted without change, Laws, 2013, ch. 477, § 6, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-13. Compensation and payment of expenses [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 7; reenacted without change, Laws, 2004, ch. 476, § 7; reenacted without change, Laws, 2008, ch. 451, § 7; reenacted without change, Laws, 2013, ch. 477, § 7, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-15. Duties of board; board members immune from liability [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 8; reenacted and amended, Laws, 2004, ch. 476, § 8; Laws, 2007, ch. 309, § 42; reenacted and amended, Laws, 2008, ch. 451, § 8; reenacted without change, Laws, 2013, ch. 477, § 8, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-17. Rules and regulations [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 9; reenacted and amended, Laws, 2004, ch. 476, § 9; reenacted and amended, Laws, 2008, ch. 451, § 9; reenacted without change, Laws, 2013, ch. 477, § 9, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-19. Enforcement actions; investigations; hearing [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 10; reenacted and amended, Laws, 2004, ch. 476, § 10; reenacted and amended, Laws, 2008, ch. 451, § 10; reenacted without change, Laws, 2013, ch. 477, § 10, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-21. Practice of massage therapy prohibited unless licensed; requirements for licensure; exemptions; validity of certificates of registration issued before July 1, 2008; fingerprint-based criminal history records check required [Repealed effective July 1, 2018].

(1) It shall be the responsibility of a massage therapy establishment to verify the current license of any and all persons practicing massage therapy at the location of or on behalf of the establishment. Failure to comply is subject to penalty assessed by the board of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per offense.

(2) No person may advertise massage or practice massage for compensation in this state unless he is licensed as a massage therapist by the board. No person may use the title of or represent himself to be a massage therapist or use any other title, abbreviations, letters, figures, signs or devices that indicate that the person is a massage therapist unless he is licensed to practice massage therapy under the provisions of this chapter. A current massage therapy license issued by the board shall at all times be prominently displayed in any place where massage therapy is being practiced.

(3) The following are requirements for licensure:

(a) An applicant must be eighteen (18) years of age, or older, on the date the application is submitted.

(b) An application must provide proof of high school graduate equivalency.

(c) An applicant must be of legal status not only to receive a license, but also to work in the State of Mississippi with that license.

(d) An applicant must supply proof of current certification in cardiopulmonary resuscitation (CPR) and first aid of at least eight (8) hours of training, including practical testing, and supply documentation of familiarity with the Americans With Disabilities Act.

(e) All required fees for licensure must be submitted by the applicant.

(f) Any and all requirements regarding good moral character and competency, as provided for in this chapter and in accepted codes of ethics, shall be met.

(g) An applicant must have completed an approved continuing education course on communicable diseases, including HIV/AIDS information and prevention.

(h) The applicant's official and certified transcript(s) from the applicant's massage therapy school. The transcript must verify that the applicant has completed a board-approved training program of no less than the minimum requirement for supervised in-class massage therapy instruction and student clinic, with a minimum grade requirement of "C" or better in every course of instruction, as stated for school requirements.

(4) The following pre-act practitioners are exempt from having to take any examination for licensure, but must fulfill all other requirements as stated in this chapter, except for the requirements in subsection (3) (h) of this section:

(a) Those having more than three hundred (300) documented, board-accepted in-class hours of massage therapy education before January 1, 2001.

(b) Those having more than five (5) years of professional massage therapy experience and a minimum of one hundred fifty (150) hours of approved massage therapy education.

(c) Those having no formal training, but who have successfully passed the National Certification Examination for Therapeutic Massage and Bodywork.

(d) All grandfathering exemption allowances as stated in this subsection (4) shall end on July 1, 2002, for nonstudents, and on June 1, 2003, for students who were enrolled in a part-time massage school curriculum on July 1, 2001. Individuals may apply for a license until the grandfathering exemption ends, but may not practice massage beyond the allowed grace period as provided for in Section 73-67-37 unless a valid massage therapy license or provisional permit is obtained. Except as provided in subsection (5) of this section, all other pre-act practitioners and anyone not practicing massage therapy before January 1, 2001, must take and pass the licensure examination and follow the requirements in this chapter to practice massage therapy for compensation in Mississippi.

(e) Students enrolled in a massage therapy curriculum of at least five hundred (500) hours on July 1, 2001, who complete graduation from the same curriculum.

(5) Any person who has practiced massage therapy for a period of more than twenty-five (25) years before March 14, 2005, who is employed as a massage therapist by a YMCA or YWCA authorized and existing as a nonprofit corporation under the laws of this state on March 14, 2005, is exempt from having to take any examination for licensure, but must fulfill all other requirements as stated in this chapter, except for the requirements in subsection (3) (b), (d), (g) and (h) of this section. Persons exempt under this subsection may apply for a massage therapy license until January 1, 2006, but may not practice massage therapy after January 1, 2006, unless a valid license is obtained.

(6) Certificates of registration issued by the board before July 1, 2008, shall remain valid as licenses until the next renewal period.

(7) An applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-67-27.

(a) To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

(b) Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

(c) The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(d) The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

SOURCES: Laws, 2001, ch. 549, § 11; Laws, 2002, ch. 482, § 1; reenacted and amended, Laws, 2004, ch. 476, § 11; Laws, 2005, ch. 346, § 1; reenacted and amended, Laws, 2008, ch. 451, § 11; Laws, 2013, ch. 477, § 11, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment rewrote the last sentence in (2) which read: "Massage establishments with six (6) or more licensed massage therapists shall be exempt from the advertising provisions found in Section 73-67-29 provided that the therapy or service is performed by person(s) licensed under this chapter"; and added (7).

§ 73-67-23. Examination [Repealed effective July 1, 2018].

(1) The purpose of requiring examination is to determine that each applicant for licensure possesses the minimum skills and knowledge to practice competently.

(2) The board shall accept as evidence of competency, in addition to all other requirements as stated in this chapter, the successful completion of any state, nationally or internationally accredited examination approved by the board.

(3) Eligibility requirements to take an examination approved by the board are set by the organization that is responsible for establishing and maintaining the examination.

(4) An applicant for licensure who has been previously licensed may be required to take an examination approved by the board and achieve a passing score before re-licensure under any one (1) of the following circumstances:

(a) The applicant has been unlicensed voluntarily for more than thirty-six (36) calendar months; or

(b) The board may require reexamination in any disciplinary order, based upon the findings and conclusions relative to the competency of a holder of a license to practice massage before issuing an unconditional license.

(5) An applicant for licensure must also successfully complete the Mississippi State Law Examination.

SOURCES: Laws, 2001, ch. 549, § 12; reenacted and amended, Laws, 2004, ch. 476, § 12; Laws, 2007, ch. 368, § 1; reenacted and amended, Laws, 2008, ch. 451, § 12; Laws, 2013, ch. 477, § 12, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment deleted “the ‘National Certification Examination for Therapeutic Massage and Bodywork’ (NCETMB) and/or” preceding “any state, nationally or internationally” in (2); rewrote (3); deleted “the NCETMB or ABTE or any other” preceding “an examination approved by the board” in (4); added (5); and made minor stylistic changes.

§ 73-67-25. Reciprocity; temporary reciprocal permit [Repealed effective July 1, 2018].

(1) An applicant may be licensed by demonstrating proof that the applicant holds a valid, current license in another state with similar educational requirements to those required by this chapter, and that all other licensure requirements under this chapter are met. This is subject to investigation by the board and excludes grandfathering by other states.

(2) If an individual who is licensed in another state that has licensing standards substantially equivalent to the standards under this chapter applies for licensure, the board may issue a provisional permit authorizing the applicant to practice massage therapy pending completion of documentation that the applicant meets the requirements for licensure under this chapter. The provisional permit may reflect statutory limitations on the scope of

practice. The provisional permit shall not be issued until an applicant has successfully passed the Mississippi State Law Examination.

(3) A current massage therapy license issued by the board shall at all times be prominently displayed in any place where massage therapy is being practiced.

(4) A license issued under this chapter is not transferable or assignable.

The issuance of a license or provisional permit by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 2001, ch. 549, § 13; reenacted and amended, Laws, 2004, ch. 476, § 13; reenacted and amended, Laws, 2008, ch. 451, § 13; Laws, 2013, ch. 350, § 43; Laws, 2013, ch. 477, § 13, eff from and after July 1, 2013.

Joint Legislative Committee Note — Section 43 of ch. 350, Laws of 2013, effective from and after July 1, 2013 (approved March 18, 2013), amended this section. Section 13 of ch. 477, Laws of 2013, effective July 1, 2013 (approved March 27, 2013), amended this section. As set out above, this section reflects the language of both amendments, pursuant to Section 1-1-109, which gives the Joint Legislative Committee on Compilation, Revision and Publication of Legislation authority to integrate amendments so that all versions of the same code section enacted within the same legislative session may become effective. The Joint Committee on Compilation, Revision and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at its August 1, 2013, meeting.

Amendment Notes — The first 2013 amendment (ch. 350), added the last paragraph of (4).

The second 2013 amendment (ch. 477), in (2), deleted “including, but not limited to, the Mississippi law examination” from the end of the next-to-last sentence, and added the last sentence.

§ 73-67-27. Grounds for denial, suspension or revocation of license; investigative proceedings; prostitution in connection with massage; penalties [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 14; reenacted and amended, Laws, 2004, ch. 476, § 14; reenacted and amended, Laws, 2008, ch. 451, § 14; reenacted without change, Laws, 2013, ch. 477, § 14, eff from and after July 1, 2013.

Editor’s Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-29. Advertising restrictions; exemptions [Repealed effective July 1, 2018].

(1) Any licensed massage therapist advertising by the use of radio, newspaper, television, electronic media, flyers, business cards, phone book or any other means shall include legibly, or clearly audible, the massage therapy

license number issued to the therapist(s) on and/or with that advertising. Massage establishments with six (6) or more licensed massage therapists shall be exempt from this provision provided that the therapy or service is performed by person(s) licensed under this chapter.

(2) Any and all advertising of the licensed massage therapist shall be of a professional and ethical nature and shall not be attached to or identified with any pornographic or other establishment that may be construed as unprofessional and/or unethical in the practice of professional massage therapy.

(3) No practice of, or advertisement by any means of, any type of therapy involving soft tissue movement by the use of any body part, instrument(s) or device(s), or any term that may be interpreted to involve massage, shiatsu, acupressure, oriental, Eastern or Asian massage techniques, spa, rub, or therapeutic touch, shall be allowed unless that therapy is performed by person(s) who are licensed or exempt as stated in this chapter.

(4) Providing information concerning continuing education of massage therapy shall not constitute advertising as that term is used in this section. National massage publications and out-of-state instruction/education/information materials are exempt.

(5) The advertising of any designation of massage, including the word "Swedish" (as used in this context), shall not be allowed in conjunction with any other term that the board finds questionable. Questionable terms may include "bath," "shampoo" and "escort."

(6) Massage schools that advertise for student clinic, or any other type of student massage, must conspicuously include the respective words "student massage" within the advertisement.

(7) Advertisers shall obtain the license number from each massage therapist before entering into an agreement or contract to advertise any form of massage therapy as stated in this chapter. The license number(s) shall be part of the actual advertisement. Massage establishments with six (6) or more licensed massage therapists shall be exempt from this provision provided that the therapy or service is performed by person(s) licensed under this chapter.

SOURCES: Laws, 2001, ch. 549, § 15; reenacted and amended, Laws, 2004, ch. 476, § 15; reenacted and amended, Laws, 2008, ch. 451, § 15; Laws, 2013, ch. 477, § 15, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence in (1) and (7).

§ 73-67-31. Duties and responsibilities of licensed massage therapists; diagnosis and prescriptions prohibited [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 16; reenacted without change, Laws, 2004, ch. 476, § 16; reenacted and amended, Laws, 2008, ch. 451, § 16; reenacted without change, Laws, 2013, ch. 477, § 16, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it

appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-33. Massage establishments to have adequate lavatory facilities, workable telephone, and copy of massage therapy code of ethics and professional conduct [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 17; reenacted and amended, Laws, 2004, ch. 476, § 17; reenacted without change, Laws, 2008, ch. 451, § 17; reenacted without change, Laws, 2013, ch. 477, § 17, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-35. Education requirements for licensure; standards for massage therapy programs and schools; evidence of current national accreditation in lieu of application [Repealed effective July 1, 2018].

(1) To obtain a massage therapy license, an applicant must submit to the board the applicant's official and certified transcript(s) from the applicant's massage therapy school. The transcript must verify that the applicant has completed a board-approved training program of not less than six hundred (600) hours of supervised in-class massage therapy instruction, and at least one hundred (100) hours of student clinic, with a minimum grade requirement of "C" or better in every course of instruction, in the following subjects:

- (a) Two hundred (200) hours in massage theory and practicum;
- (b) Two hundred (200) hours in science of the human body;
- (c) Two hundred (200) hours in allied modalities; and
- (d) One hundred (100) hours in supervised student clinic.

(2) "Massage theory and practicum" must include a minimum of the following classroom hours in the specified subject areas:

(a) Ten (10) hours in legalities including Mississippi massage law and ethics;

(b) Twenty (20) hours in history, benefits, indications and contraindications;

(c) One hundred (100) hours in massage demonstration and supervised practice, which must include, but is not limited to, client evaluation, stroking, kneading, stretching, friction, percussion, vibration, range of motion, hand held tools and devices designated as t-bars or knobbies, and draping and turning; and

(d) The remaining seventy (70) hours may expand on any or all of the previous three (3) subject areas and/or be related to practical massage.

(3) "Science of the human body" must include a minimum of the following classroom hours in the specified subject areas:

- (a) Twenty (20) hours in anatomy, including all body systems;
- (b) Twenty (20) hours in physiology, including all body systems;
- (c) Twenty (20) hours in myology/kinesiology;
- (d) Twenty (20) hours in neurology;
- (e) Twenty (20) hours in pathology, including medical terminology; and
- (f) The remaining one hundred (100) hours may expand on any or all of the previous six (6) subject areas and/or be related to the science of the human body.

(4) "Allied modalities" must include, but are not limited to, a minimum of the following classroom hours in the specified subject areas:

- (a) Seven (7) hours in Eastern, European and Western theory/methods;
- (b) Eight (8) hours in cardiopulmonary resuscitation (CPR) and first aid;

(c) Ten (10) hours in charting and documentation;

(d) Twenty-five (25) hours in hydrotherapy and infrared heat;

(e) Twenty (20) hours in referral methods within the health care system; and

(f) The remaining one hundred thirty (130) hours may expand on any or all of the previous five (5) subject areas, including the Americans With Disabilities Act, and/or be devoted to any approach to massage therapy and wellness, such as trigger points, management, communication, safety, oriental or Eastern massage techniques and specialized populations. Schools with a temporary or probationary board status license must include a comprehensive review class of no less than sixteen (16) hours and three (3) hours to sit for and pass the board comprehensive exam.

(5) "Student clinic" must include at least fifty (50) practical hands-on one-hour massage therapy sessions to be evaluated on documents filed and kept on record at the school for a minimum of six (6) months. These evaluations are to be completed by the clients of the massage therapy sessions and shall include the client's name, address, reason for session, indications and contraindications, date and signature. Each completed session shall constitute two (2) hours of student clinic. The hands-on session must be supervised by an instructor, board licensed in the area being supervised.

(6) A massage therapy program shall not operate in the State of Mississippi unless it meets the minimum standards of curriculum for licensure as stated in this chapter. Massage schools and massage curriculums for licensure preparation must obtain a national accreditation from such agencies as the Commission on Massage Therapy Accreditation or programs with the same or greater requirements. Existing massage schools will have five (5) years from July 1, 2001, to obtain that accreditation. New massage schools will have five (5) years from the opening of the massage school to show conformance with the accreditation requirements. An existing accredited massage school that loses its accreditation will have three (3) years from the date of loss of its accreditation to show conformance with the accreditation requirements.

(7) No massage therapy program shall consist of more than forty (40) in-class clock hours per week.

(8) Hours credited through transfer credit shall not be recognized by the board unless the following transfer standards are met:

(a) The school shall be provided with a certified transcript from a school licensed or approved in that state;

(b) Courses for which credit is granted shall parallel in content and intensity to the course offered by the school;

(c) Documentation of previous training shall be included in each student's permanent file.

(9) Private business and vocational schools that have obtained national accreditation from an accrediting agency designated by the United States Department of Education may submit evidence of current accreditation in lieu of other application requests. Applications submitted on evidence of national accreditation must be approved or denied within sixty (60) days after receipt. If no action is taken within sixty (60) days, the application shall be deemed approved and a massage therapy license must be issued.

SOURCES: Laws, 2001, ch. 549, § 18; reenacted without change, Laws, 2004, ch. 476, § 18; reenacted and amended, Laws, 2008, ch. 451, § 18; Laws, 2011, ch. 371, § 2; Laws, 2013, ch. 477, § 18, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence in (6) and substituted “sixty (60)” for “thirty (30)” twice in (9).

§ 73-67-37. Grace period for licensure [Repealed effective July 1, 2018].

SOURCES: Laws, 2001, ch. 549, § 19; Laws, 2002, ch. 482, § 2; reenacted without change, Laws, 2004, ch. 476, § 19; reenacted and amended, Laws, 2008, ch. 451, § 19; reenacted without change, Laws, 2013, ch. 477, § 19, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 477, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-67-39. Repeal of Sections 73-67-1 through 73-67-37.

Sections 73-67-1 through 73-67-37 shall stand repealed on July 1, 2018.

SOURCES: Laws, 2001, ch. 549, § 20; Laws, 2004, ch. 476, § 20; Laws, 2008, ch. 451, § 20; Laws, 2013, ch. 477, § 20, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment extended the repealer provision from “July 1, 2013” to “July 1, 2018.”

CHAPTER 69

Mississippi Electronic Protection Licensing Act

SEC.

- 73-69-1. Short title.
- 73-69-3. Purpose.
- 73-69-5. Definitions.
- 73-69-7. Administration and enforcement of chapter; powers and duties of State Fire Marshall; application procedure and qualifications for Class A license.
- 73-69-9. Issuance of Class A license; display; employment of Class B license holder; duty of designated agent to provide certain notice to State Fire Marshal; inspection; retention period for client records.
- 73-69-11. Application for Class B, C, D, and H licenses; educational requirements; automatic disqualification; agreements with other states for mutual recognition of individual license holders.
- 73-69-13. Class B, C, D, and H license holders authorized to perform certain work.
- 73-69-15. Exemptions from licensure requirement.
- 73-69-19. Fees; Electronic Protection Licensing Fund created.
- 73-69-23. Offenses.
- 73-69-25. Penalties.
- 73-69-27. Construction and effect of chapter.
- 73-69-31. Alarm contracting company to return electronic protective system codes to factory default setting under specified circumstances; revocation of license; civil fines.
- 73-69-33. Appeal process.
- 73-69-35. Subpoena and examination of witnesses.

§ 73-69-1. Short title.

This chapter shall be known and may be cited as the “Mississippi Electronic Protection Licensing Act.”

SOURCES: Laws, 2006, ch. 528, § 1; Laws, 2014, ch. 525, § 1, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment deleted “Residential” preceding “Electronic Protection Licensing Act.”

§ 73-69-3. Purpose.

The purpose of this chapter is to assure the general public of the competence of individuals and companies which offer electronic protective systems, or services relating to such alarms or systems to the general public by establishing statewide uniform procedures and qualifications for the licensure of such individuals and companies.

SOURCES: Laws, 2006, ch. 528, § 2; Laws, 2014, ch. 525, § 2, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment deleted “burglar alarm systems, closed circuit television alarm systems” following “electronic protective systems” from the middle of the sentence.

§ 73-69-5. Definitions.

As used in this chapter, the following terms shall have the meanings specified in this section:

(a) “Alarm contracting” means providing an electronic protective system to another, including, but not limited to, the design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection or servicing of an electronic protective system; holding oneself or one’s company out for hire to perform any such task; or otherwise offering to perform any such task for compensation directly.

(b) “Alarm contracting company” means an entity that holds a Class A license issued by the State Fire Marshal pursuant to this chapter.

(c) “Alarm verification” means an attempt by a monitoring company or its representative to contact a burglar alarm location or a burglar alarm user by telephone or other electronic means to determine whether a burglar alarm signal is valid in an attempt to avoid unnecessary police response before requesting law enforcement to be dispatched to the location. Alarm verification further means that at least a second call shall be made to a different number if the first attempt fails to reach an alarm user. All persons licensed to monitor alarms in Mississippi shall employ alarm verification standards as defined in the latest version of ANSI/CSAA CS-V-01, for all burglar alarm signals except for hold-up alarms.

(d) “Board” means the Electronic Protection Advisory Licensing Board.

(e) “Burglar alarm” or “burglar alarm system” or “intrusion detection system” or “electronic protective system” means an alarm, alarm system or portion of such an alarm or system that is intended to detect or warn of an intrusion or other emergency in a structure. Such systems shall be certified per the latest version of ANSI/SIA CP01.

(f) “Company” means a proprietorship, partnership, corporation, limited-liability company or any other entity.

(g) “Designated agent” means an owner or employee who holds a Class B license of an alarm contracting company who has been assigned the responsibility of submitting any notice required by this chapter to the State Fire Marshal.

(h) “Supervision” means direct on-site supervision by a qualified license holder for the duties being performed.

(i) “Electronic protective system” means a device or a series or assembly of interconnected devices which, when activated by automatic or manual means, produces an audible, visual or electronic signal intended to detect or warn of a threat to a structure or emergency to or from its occupants. This term shall include a burglar alarm system, intrusion detection system, closed-circuit video system or electronic access control system, all as defined

in this chapter, or a portion or combination of such alarms or systems. However, the term “electronic protective system” shall not include the following: (i) an alarm system installed in a motor vehicle; (ii) a burglar alarm system, or household fire warning system sold at retail to an individual end user for self-installation; (iii) a single-station fire alarm system sold at retail to an individual end user for self-installation or installed by a fire department, the State Fire Marshal Office, a public agency, a volunteer fire association or their designated representatives.

(j) “Employee” means a person who performs services for wages or salary.

(k) “Employer” means a person or entity who hires another to perform services for a wage or salary.

(l) “Individual license” means a Class B, C, D or H license issued by the State Fire Marshal pursuant to this chapter.

(m) “Licensee” means a person or entity to which a license is granted pursuant to this chapter.

(n) “Officer” means the president, vice president, secretary, treasurer, comptroller or any other person who performs functions for an alarm contracting company, corresponding to those performed by those officers.

(o) “Operating location” means a physical address that houses or maintains records of clients.

(p) “Person” means a natural person or individual.

(q) “Principal” means a person or entity that owns at least twenty percent (20%) of an alarm contracting company regardless of the form of organization.

(r) “Salesperson” means a person who solicits another on behalf of an alarm contracting company by door-to-door personal interaction, or a person who participates in the design, planning, specification or layout of an electronic protective system on behalf of an alarm contracting company.

(s) “Closed-circuit video system” means an electronic protective system that provides video surveillance of events, primarily by means of transmission, recording, or transmission and recording of visual signals through the use of cameras, receivers, monitors and other visual imaging systems.

(t) “Electronic access control system” means an electronic protective system that is powered by the building’s primary power source and is used as a process to grant or deny an individual access to a specific area or object based upon their possession of an item (which requires a decoder), a code or physical characteristic (biometrics).

(u) “Smoke alarm” means a single or multiple-station alarm responsive to smoke.

(v) “Single-station alarm” means a detector comprising an assembly that incorporates sensor, control components and an alarm notification appliance in one unit operated from a power source either located in the unit or obtained at the point of installation.

(w) “Multiple station alarm” means two (2) or more single-station alarm devices that can be interconnected so that actuation of one causes all

integral or separate audible alarms to operate; or one (1) single-station alarm device having connections to other detectors or to a manual fire alarm box.

(x) “Heat detector” means a fire detector that detects either abnormally high temperature or rate-of-temperature rise, or both.

SOURCES: Laws, 2006, ch. 528, § 3; Laws, 2014, ch. 525, § 3, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment deleted former (s) and (t), which defined “closed circuit television alarm system contracting company” and “closed circuit television alarm system contracting” respectively, added (c), and redesignated former (c) through (r) accordingly; revised the definitions in (a), (e), (g) through (i), (l), (n) and (p) through (s); and added (t) through (x).

§ 73-69-7. Administration and enforcement of chapter; powers and duties of State Fire Marshall; application procedure and qualifications for Class A license.

(1) The State Fire Marshal shall administer and enforce the provisions of this chapter and shall have the authority to promulgate and adopt such rules and regulations as may be necessary for such proper administration and enforcement. The Electronic Protection Advisory Licensing Board created in Section 73-69-21 shall advise the State Fire Marshal with respect to the rules and regulations of the provisions of this chapter. The State Fire Marshal shall have the authority to approve written training programs or acceptable equivalents for meeting the training requirements of this licensing law. The State Fire Marshal may also accept, as such an equivalent, licensure of a company or person by a jurisdiction outside this state, which has standards and requirements of practice which substantially conform to the provisions of this chapter. The State Fire Marshal shall also establish continuing education requirements.

(2) Application for a Class A license. In order to engage in alarm contracting, a company shall apply for and obtain a Class A license for each operating location doing business in the state. A Class A license shall authorize a company to engage in any type of alarm contracting. An applicant for a Class A license shall submit the following to the State Fire Marshal:

(a) Documentation that the company is an entity duly authorized to conduct business within this state.

(b) Documentation that the company holds a general liability and errors and omissions insurance policy, or a surety bond, in an amount not less than Three Hundred Thousand Dollars (\$300,000.00).

(c) Documentation that the company carries a current and valid workers’ compensation insurance policy as required by state law.

(d) The name of the person who will serve as the designated agent of the company.

(e) For a company applying for a Class A license, evidence that the company has at least one (1) employee who holds a Class B license at each of its operating locations.

(f) A statement that no officer or principal has been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge.

(g) The application fee authorized by this chapter.

(h) Documentation that the company is located within the physical boundaries of the state.

(i) Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, a Class A applicant, upon request from the State Fire Marshal, shall submit a set of fingerprints for all officers and principals with the submission of an application for license or at such time as deemed necessary by the State Fire Marshal. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.

(j) The name of each company providing monitoring services.

(3) If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.

SOURCES: Laws, 2006, ch. 528, § 4; Laws, 2014, ch. 525, § 4, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted "73-69-21" for "73-31-21" in the second sentence of (1); deleted (2)(f)(i) through (2)(f)(iii); rewrote (2)(i); and added (3).

§ 73-69-9. Issuance of Class A license; display; employment of Class B license holder; duty of designated agent to provide certain notice to State Fire Marshal; inspection; retention period for client records.

(1) Any entity desiring to engage in alarm contracting shall hold a Class A Alarm Contracting Business license issued by the State Fire Marshal.

(2) If the State Fire Marshal finds that a company has met the requirements of licensing, he shall issue a Class A license to engage in alarm contracting to that company upon payment of the license fee authorized by this chapter. Such license shall include the name of the designated agent of the alarm contracting company as applicable.

(3) Each alarm contracting company shall be physically located within the boundaries of the state and shall clearly display its license in a conspicuous location at its place of business.

(4) Each alarm contracting company shall employ a Class B license holder.

(5) The designated agent of an alarm contracting company shall notify the State Fire Marshal within ten (10) days of the following:

(a) Any change in the business address of the company.

(i) Any change in ownership of or interest in the company.

(ii) Any owner, partner or other principal with an interest in the company, which has been convicted of a felony or entered a plea of guilty or nolo contendere to a felony charge or received a first-time offender pardon.

(b) Any change in the employment of a person holding an individual license.

(c) A change of the company providing monitoring services.

(6) In the event of the death of its designated agent or his separation from the company for any other reason, an alarm contracting company shall name another qualified owner or manager as its designated agent within ninety (90) days and shall notify the State Fire Marshal of such designation within ten (10) days.

(7) Each alarm contracting company doing business in the state shall be open for inspection by the State Fire Marshal or his designated representative at any reasonable time for the purpose of observation and collection of facts and data relating to proper enforcement of this chapter. No person acting on behalf of an alarm contracting company shall refuse to admit the State Fire Marshal or his designated representative to an operating location.

(8) Client records must be maintained for inspection by the State Fire Marshal for a three-year period.

SOURCES: Laws, 2006, ch. 528, § 5; Laws, 2014, ch. 525, § 5, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment added (1) and redesignated remaining subsections accordingly; deleted former (4)(b)(iii) through (4)(b)(v) and redesignated the remaining subsections as present (5)(a) through (5)(c); in present (5)(a)(ii), deleted the last sentence, which read “A felony that has been dismissed pursuant to the Mississippi Criminal Code or equivalent judicial dismissal shall not apply to this paragraph”; and in (6), inserted “qualified” preceding “owner or manager.”

§ 73-69-11. Application for Class B, C, D, and H licenses; educational requirements; automatic disqualification; agreements with other states for mutual recognition of individual license holders.

(1) Any person employed by an alarm contracting company shall hold an individual license issued by the State Fire Marshal. Such license shall authorize its holder to engage in alarm contracting, only to the extent of the terms as further provided in this chapter.

(2) Such application shall be accompanied by:

(a) Two (2) suitable photographs of the applicant acceptable to the State Fire Marshal. The State Fire Marshal shall keep one (1) photograph on file and shall make the other photograph a part of any license subsequently issued to the applicant.

(b) Documentation that the applicant meets educational requirements applicable to the type of license for which he is applying, as follows:

(i) For a Class B license: a minimum of Electronic Security Association, Level 2 A and Level 2 B Burglar Alarm training course or the Electronic Security Association, Fire Alarm Installation Methods and Advanced Intrusion Systems training courses, or equivalent training approved by the State Fire Marshal, and documentation proving residency within a radius of one hundred fifty (150) miles of the office to which he is assigned.

(ii) For a Class C license: a minimum of Electronic Security Association Level 1 Certified Alarm/Security Technician training course, or equivalent training approved by the State Fire Marshal.

(iii) For a Class D license: a minimum of Electronic Security Association, Understanding Electronic Security Systems training course, or equivalent training approved by the State Fire Marshal.

(iv) For a Class H license: application a Class B or Class C license holder that they will provide direct supervision of the Class H licensee.

(c)(i) A statement by the applicant that he has not been convicted of a felony, received a first-time offender pardon for a felony, or entered a plea of guilty or nolo contendere to a felony charge. A felony that has been dismissed pursuant to the Mississippi Criminal Code or equivalent judicial dismissal shall not apply to this paragraph.

(ii) A conviction or a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon shall not constitute an automatic disqualification as otherwise required pursuant to subparagraph (i) if ten (10) or more years have elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication or period of probation or parole.

(iii) Subparagraph (ii) shall not apply to any person convicted of a felony crime of violence or a sex offense as defined within the Mississippi Criminal Code.

(d) The State Fire Marshal shall have the authority to conduct criminal history verification on a local, state or national level. Beginning on July 1,

2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.

(e) The application fee authorized by this chapter.

(3) The State Fire Marshal shall have the authority to determine if information submitted by an applicant is in a form acceptable to him. The State Fire Marshal shall verify or have another entity verify information submitted by each applicant.

(4) If the State Fire Marshal finds that an applicant has met the applicable requirements of the alarm licensing law, he shall issue the appropriate type of license to the applicant upon payment of the license fee authorized by this chapter.

(5) Each individual license holder shall maintain his license on his person while engaging in any type of alarm contracting as applicable. Each such license holder shall present his license for inspection upon demand by an employee of the Office of the State Fire Marshal or a law enforcement officer.

(6) Each individual license holder shall notify the State Fire Marshal, on a form specified and provided by the State Fire Marshal, within ten (10) days of the following:

(a) Any change in business or home address.

(b) Any separation from an employer or change in employer.

(c) Any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon.

(7) No individual licensed under this chapter shall contract for his services as an independent contractor or agent without applying for and being issued a Class A license per Section 73-69-9. No alarm contracting company shall contract for the independent services of a holder of an individual license under this section.

(8) The State Fire Marshal may enter into reciprocal agreements with other states for mutual recognition of individual license holders, if the State Fire Marshal has established the criteria for acceptance of reciprocal agreements by rule or regulation. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(9) If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the

denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.

SOURCES: Laws, 2006, ch. 528, § 6; Laws, 2013, ch. 350, § 44; Laws, 2014, ch. 525, § 6, eff from and after July 1, 2014.

Editor's Note — Subsection (2)(b)(iv) appears to have language missing that relates to the holders of certain classes of licenses providing direct supervision of Class H licensees. The subsection is set out as amended by Section 6 of Chapter 525, Laws of 2014.

Amendment Notes — The 2013 amendment added the last sentence in (8); and made minor stylistic changes.

The 2014 amendment deleted "a" following "Such" and "or closed circuit television alarm system contracting" following "engage in alarm contracting" in the last sentence of (1); rewrote (2); deleted "or closed-circuit television alarm system contracting" following "type of alarm contracting" in the first sentence of (5); in (7), substituted "A" for "B" following "issued a Class" and "per Section 73-69-9" for "under this chapter" in the first sentence, and deleted "or closed-circuit television alarm system contracting company" following "No alarm contracting company" in the second sentence; and rewrote (9).

§ 73-69-13. Class B, C, D, and H license holders authorized to perform certain work.

The State Fire Marshal is authorized to issue individual licenses to qualified applicants that entitles the license holder to perform the following:

(a) Class B license: Alarm System Technician. Such license shall authorize its holder to design, plan, specify, lay out, sell, pre-wire, install, maintain, repair, test, inspect or service an electronic protective system while in the employ of an alarm contracting company.

(b) Class C license: Alarm System Installer. Such license shall authorize its holder to design, plan, specify, lay out, sell, pre-wire, install, maintain, repair, test, inspect or service an electronic protective system while in the employ of an alarm contracting company.

(c) Class D license: Alarm System Salesperson. Such license shall authorize its holder to design, plan, specify, lay out or sell an electronic protective system while in the employ of an alarm contracting company.

(d) Class H license: Alarm System Helper. Such license shall authorize its holder to pre-wire, or assist a Class B or Class C license holder install or service an electronic protective system while under the direct supervision of a licensed Class B or Class C holder in the employ of an alarm contracting company.

SOURCES: Laws, 2006, ch. 528, § 7; Laws, 2014, ch. 525, § 7, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment rewrote (d) to delete the Class T license.

§ 73-69-15. Exemptions from licensure requirement.

(1) No person or company shall engage in alarm contracting without holding a current and valid license issued by the State Fire Marshal as provided in this chapter. However, this requirement for licensure shall not apply to:

(a) Any company or natural person licensed to perform electrical work by the Mississippi State Board of Contractors. This exception from licensure shall apply to the installation of wire, conduit, or other wire raceways, its associated boxes or fittings. This exception from licensure shall also apply to the employees of a company or natural person excepted by this paragraph, but only as to work performed by them on behalf of the excepted employer. Notwithstanding any other provisions of this chapter, no person licensed under this chapter may install primary power sources of sixty (60) volts or greater when such power source is being installed to operate low-voltage systems.

(b) Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing, recoding, adjusting or testing closed-circuit television alarm systems on the premises of the owner or public institution during the normal course and scope of his duties.

(c) Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing or testing a burglar alarm system only on the premises of the owner or public institution during the normal course and scope of his duties.

(d) Any retailer that sells alarm systems as part of a multiproduct offering including any company and its affiliates, contractors, agents and employees that only sell alarm systems over the Internet or via a website, by telephone or in retail settings. This exception to licensure shall not apply to sales that take place door-to-door or physically inside or at or on a consumer's premises.

(e) Any retailer or installer of smoke alarm warning systems, or single-station heat detectors, sold and installed to detect or warn of smoke or fire and intended for use in a residential one- or two-family dwelling or wholly within the confines of an individual living unit in a residential multifamily structure.

(f) Any company, or its agents that monitor burglar alarm systems, intrusion detection systems, or electronic protection systems but that does not directly install such systems.

(g) Any professional engineer licensed by the Mississippi Board of Registration for Professional Engineers and Land Surveyors.

(h) Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing,

installing, inspecting, repairing, servicing, recoding, adjusting or testing telemedicine, store-and-forward telemedicine services, remote patient-monitoring services or mediation adherence-management services during the normal course and scope of his duties.

(2) No person or company shall aid, abet, facilitate or otherwise assist any unlicensed person or company in engaging in alarm contracting, including, but not limited to, the sale of an electronic protective system as defined in this chapter when such person or company knew or should have known that the person or company thus assisted was unlicensed.

(3) No person or company shall engage in alarm system contracting without holding a current and valid license issued by the State Fire Marshal as provided in this act. However, this requirement shall not apply to:

An officer or employee of the United States, this state, or any political subdivision of either, while engaged in the performance of his official duties within the course and scope of his employment with the United States, this state, or any political subdivision of either.

SOURCES: Laws, 2006, ch. 528, § 8; Laws, 2014, ch. 525, § 8, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment deleted (1)(b), added (1)(e) and (1)(h) and redesignated the remaining subsections accordingly; in (1)(a), substituted “Mississippi State Board of Contractors” for “State Licensing Board of Contractors” in the first sentence and added the second and fourth sentences; in (1)(d), substituted “including any company ... a consumer’s premises” for “and provides installation as part of that retail transaction”; rewrote (1)(f) and (1)(g); deleted “or closed circuit television alarm system contracting” preceding “including” in (2); in (3), combined the opening paragraph and (3)(a) into one and deleted (3)(b).

§ 73-69-19. Fees; Electronic Protection Licensing Fund created.

(1) The State Fire Marshal is authorized to assess and collect fees pursuant to this chapter, the amount of which shall not exceed the following:

(a) Application fee and provisional or original company	
Class A license	\$ 450.00.
(b) Application fee and provisional or original individual	
Class B, Class C, Class D or Class H license	\$ 150.00.
(c) License Class change fee	\$ 50.00.
(d) Annual renewal for Class B, Class C, Class D or Class H	
license fee	\$ 50.00.
(e) Annual renewal for a Class A license fee	\$200.00.
(f) Fee for a duplicate or replacement license	\$ 20.00.

(2) The fees established in this section shall not be refundable except under such conditions as the State Fire Marshal may establish.

(3) All monies received by the State Fire Marshal pursuant to this chapter, including, but not limited to, fees and fines, shall be deposited immediately upon receipt by the State Fire Marshal into a special fund which

is hereby created in the State Treasury and designated as the Electronic Protection Licensing Fund.

(4) The monies in the Electronic Protection Licensing Fund shall be used solely for implementation, administration and enforcement of this chapter by the State Fire Marshal. Any surplus monies and interest remaining to the credit of the fund at the end of the fiscal year shall remain to the credit of the fund, and no part thereof shall revert to the State General Fund.

SOURCES: Laws, 2006, ch. 528, § 10; Laws, 2014, ch. 525, § 9, eff from and after July 1, 2014.

Joint Legislative Committee Note — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error the designations in subsection (1). As amended by Section 9 of Chapter 525, Laws of 2014, subsection (1) paragraphs were designated (a) through (c) and (e) through (g). To correct the error, the Joint Committee redesignated (1)(e) through (g) as (1)(d) through (f). The Joint Committee ratified the correction at its July 24, 2014, meeting.

Amendment Notes — The 2014 amendment deleted (1)(a) and redesignated the remaining subsections accordingly; inserted “Application fee and” preceding “provisional or original” in present (1)(a) and (1)(b); substituted “450.00” for “350.00” in (1)(a); substituted “150.00” for “50.00”, inserted “or Class H” following “Class D”, and made a minor punctuation change in (1)(b); substituted “License Class change fee” for “Provisional or original individual Class T license” and “50.00” for “25.00” in (1)(c); substituted a comma for “or” and inserted “or Class H” following “Class D” in (1)(d); deleted “Residential” preceding “Electronic Protection Licensing” in (3) and (4); and substituted “by” for “and only in the amounts appropriated each year to” and deleted “by the Legislature” from the end of the first sentence in (4).

§ 73-69-23. Offenses.

(1) Class I offenses shall be as follows:

(a) Failure of an alarm contracting company to timely notify the State Fire Marshal of certain changes in the status of the licensee as required by this licensing law.

(b) Failure of an alarm contracting company as applicable, to do either of the following:

(i) Clearly display the company’s license at its place of business as required.

(ii) Replace a required Class B, license holder or its designated agent and to timely notify the State Fire Marshal as required by this licensing law.

(c) Failure of an individual license holder to maintain his license on his person and to present it for inspection as required by this licensing law.

(d) Assisting an unlicensed person or company to engage in alarm contracting or as prohibited.

(e) Refuse to admit the State Fire Marshal or his designated representative to an operating location or refuse to cooperate in the purposes of such admittance as required.

(2) Class II offenses shall be as follows:

- (a) Commission of a second Class I offense.
- (b) A Class I offense committed during a probation of one's licensure for a Class I offense.
- (3) A Class III offense shall be as follows:
 - (a) The signature of or submission by an applicant or licensee of any document to the State Fire Marshal when the applicant or licensee knew that document contained false or intentionally misleading information.
 - (b) Engaging in alarm contracting without a license as prohibited.
 - (c) Engaging in alarm contracting during suspension of one's license.
 - (d) The repeated willful commission of Class I or Class II offenses.
 - (e) Failure by an alarm contracting company to maintain a general liability and errors and omissions insurance policy as required, or to maintain a workers' compensation insurance policy as required by state law.
 - (f) Engaging in false, misleading or deceptive acts or practices.

SOURCES: Laws, 2006, ch. 528, § 12; Laws, 2014, ch. 525, § 10, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment deleted (1)(a) and redesignated the remaining subsections accordingly; deleted “or closed circuit television company” following “alarm contracting company” in (1)(a); deleted “or closed circuit television alarm system contracting company” following “alarm contracting company” in (1)(b); deleted “closed circuit television alarm system contracting” following “engage in alarm contracting or” in (1)(d); substituted “The signature of or submission by an applicant or licensee” for “The knowing and willful signature of or submission” in (3)(a); deleted “or closed circuit television alarm system contracting” following “alarm contracting” in (3)(b) and (3)(c); deleted “flagrant and” preceding “willful commission” and inserted “or Class II” following “Class I” in (3)(d).

§ 73-69-25. Penalties.

(1) The State Fire Marshal may impose, by written citation after reasonable notice and opportunity for hearing in accordance with the Administrative Procedures Act, penalties for violation of this chapter as provided in this section. Appeals from imposition of such penalties shall also be governed by the Administrative Procedures Act.

(2) A Class I offense shall be punishable by any or all of the following:

(a) Written reprimand by the State Fire Marshal. Such reprimand shall be a part of the record of the licensee and shall be maintained by the State Fire Marshal for a period of three (3) years. During such time, the reprimand may be given consideration in taking any subsequent disciplinary action against that licensee.

(b) Probation of licensure for not more than twelve (12) months. Such probation may include placement of restrictions on the alarm contracting activities and the license of the offender. Any subsequent offense committed during probation will make the offender subject to penalties for a Class II offense.

(c) A fine of not more than Five Hundred Dollars (\$500.00) per offense.

(3) A Class II offense shall be punishable by any or all of the following:

- (a) Any penalty authorized for a Class I offense.
- (b) Suspension of licensure for not more than twenty-four (24) months.
- (c) A fine of not more than One Thousand Dollars (\$1,000.00) per offense.
- (4) A Class III offense shall be punishable by any or all of the following:
 - (a) Any penalty authorized for a Class I or Class II offense.
 - (b) Revocation of licensure.
 - (c) A fine of not more than Five Thousand Dollars (\$5,000.00) per offense.

(5) The State Fire Marshal may impose a separate penalty for each separate commission of an offense.

(6) Any person who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than Five Thousand Dollars (\$5,000.00) for each such violation. Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed Five Hundred Thousand Dollars (\$500,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.

(7) In addition to any other penalty provided in this section, an alarm contracting company, individual director, officer or agent of an alarm contracting company who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to, including, but not limited to, the sale, lease, rent, design or planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing modification, improvement, alteration, inspection or servicing of an electronic protective system, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

SOURCES: Laws, 2006, ch. 528, § 13; Laws, 2014, ch. 525, § 11, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment deleted “or closed circuit television alarm system contracting” following “on the alarm contracting” in (2)(b); inserted “per offense” to the end of (2)(c), (3)(c), and (4)(c); inserted “Class I or” preceding “Class II” in (4)(a); and added (6) and (7).

Cross References — Imposition of standard state assessment in addition to all court imposed fines or other penalties for any misdemeanor violation, see § 99-19-73.

§ 73-69-27. Construction and effect of chapter.

(1) Except for requirements which pertain to all types of businesses generally, no county or municipality shall enact any new ordinance, rule or

regulation regulating companies and persons subject to licensure pursuant to this chapter.

(2) This chapter shall supersede any existing county or municipal ordinance, rule or regulation requiring certification or licensure of companies and persons engaged in alarm contracting, and such ordinances, rules and regulations shall be null, void and of no effect.

(3) Additionally, this chapter shall supersede any existing county or municipal ordinance, rule or regulation requiring certification or licensure of companies and persons engaged in alarm contracting, closed-circuit video system contracting or electronic access control system contracting and such ordinances, rules and regulations shall be null, void and of no effect.

SOURCES: Laws, 2006, ch. 528, § 14; Laws, 2014, ch. 525, § 12, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment substituted “alarm contracting ... control system contracting” for “closed circuit television alarm system contracting” in (3).

§ 73-69-31. Alarm contracting company to return electronic protective system codes to factory default setting under specified circumstances; revocation of license; civil fines.

(1) Each alarm contracting company engaged in alarm contracting who sells an electronic protective system to a consumer shall immediately return the lockout, installer or programming code of the electronic protective system to the factory default setting when the consumer cancels the contract with the alarm contracting company and contracts with another alarm contracting company provided all contractual obligations are fulfilled.

(2) In addition to the penalties provided in this chapter, any alarm contracting company who violates this section shall have its license revoked and be subject to a civil fine by the State Fire Marshal of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00) per occurrence.

SOURCES: Laws, 2006, ch. 528, § 16; Laws, 2014, ch. 525, § 13, eff from and after July 1, 2014.

Amendment Notes — The 2014 amendment deleted “original” following “company provided all” and inserted “contracting” following “alarm” twice in (1); and inserted “per occurrence” at the end of (2).

§ 73-69-33. Appeal process.

Any person aggrieved by any action or decision of the State Fire Marshal under the provisions of this chapter may appeal therefrom, within thirty (30) days after receipt of notice thereof to the Chancery Court of the First Judicial District of Hinds County by certiorari in the manner provided by law. Such appeal shall be without supersedeas except that the court may grant super-

sedeas as otherwise provided by law here the license is revoked. The court shall have the authority and jurisdiction to hear the appeal and render its decision in regard thereto in termtime or vacation.

SOURCES: Laws, 2014, ch. 525, § 14, eff from and after July 1, 2014.

§ 73-69-35. Subpoena and examination of witnesses.

For the purposes of making such investigations as he may deem necessary for the proper administration of this chapter, the State Fire Marshal shall have the inquisitorial powers and shall be empowered to subpoena witnesses and examine them under oath, provided that all testimony, documents and other evidence required to be submitted to the State Fire Marshal pursuant to this chapter shall be privileged and shall not be admissible as evidence in any other proceeding.

SOURCES: Laws, 2014, ch. 525, § 15, eff from and after July 1, 2014.

CHAPTER 71

Acupuncture Practice Act

SEC.

- 73-71-19. Qualifications for licensure; examination; subjects of examination; fingerprint-based criminal history records check required [Repealed effective July 1, 2017].
- 73-71-21. License without examination; requirements; reciprocity [Repealed effective July 1, 2017].
- 73-71-53. Repeal of Sections 73-71-1 through 73-71-51.

§ 73-71-1. Short title [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 1; reenacted without change, Laws, 2013, ch. 465, § 1, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-3. Legislative intent; purposes [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 2; reenacted without change, Laws, 2013, ch. 465, § 2, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-5. Definitions [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 3; reenacted without change, Laws, 2013, ch. 465, § 3, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-7. Written referral or prescription required; acupuncture to be performed under general supervision of referring or prescribing physician; practitioner to provide certain information to patient [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 4; reenacted without change, Laws, 2013, ch. 465, § 4, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-9. Physician to perform medical diagnostic examination before referring or prescribing acupuncture; information to be included in referral or prescription; physician to be available for consultation with practitioner [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 5; reenacted without change, Laws, 2013, ch. 465, § 5, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-11. Mississippi Council of Advisors in Acupuncture created; membership, organization and operation; compensation; annual report [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 6; reenacted without change, Laws, 2013, ch. 465, § 6, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-13. State Board of Medical Licensure empowered to promulgate rules and regulations governing acupuncture; board's authority and responsibilities [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 7; reenacted without change, Laws, 2013, ch. 465, § 7, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-15. Prohibition against unlicensed practice of acupuncture unless exempt from licensure [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 8; reenacted without change, Laws, 2013, ch. 465, § 8, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-17. Acupuncture practitioner license authorizes practice of acupuncture; construction of chapter [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 9; reenacted without change, Laws, 2013, ch. 465, § 9, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-19. Qualifications for licensure; examination; subjects of examination; fingerprint-based criminal history records check required [Repealed effective July 1, 2017].

(1) No person shall be licensed to practice acupuncture unless he or she has passed an examination and/or has been found to have the necessary qualifications as prescribed in the regulations adopted by the board.

(2) Before any applicant is eligible for an examination or qualification, he or she shall furnish satisfactory proof that he or she:

- (a) Is a citizen or permanent resident of the United States;
- (b) Has demonstrated proficiency in the English language;
- (c) Is at least twenty-one (21) years of age;
- (d) Is of good moral character;
- (e) Has completed a program of acupuncture and has received a certificate or diploma from an institute approved by the board, according to the provisions of this chapter;
- (f) Has completed a clinical internship training as approved by the board; and
- (g) Has received training in cardiopulmonary resuscitation (CPR).

(3) The board may hold an examination at least once a year, and all applicants shall be notified in writing of the date and time of all examinations. The board may use a NCCAOM examination if it deems that national examination to be sufficient to qualify a practitioner for licensure in this state. In no case shall the state's own examination be less rigorous than the nationally recognized examination.

(4) In addition to the written examination, if the nationally recognized examination does not provide a suitable practical examination comparable to board standards, the board shall examine each applicant in the practical application of Oriental medical diagnostic and treatment techniques in a manner and by methods that reveal the applicant's skill and knowledge.

(5) The board shall require all qualified applicants to be examined in the following subjects:

- (a) Anatomy and physiology;
- (b) Pathology;
- (c) Diagnosis;
- (d) Hygiene, sanitation and sterilization techniques;
- (e) All major acupuncture principles, practices and techniques; and
- (f) Clean Needle Technique Exam.

(6) To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose. Any and all state or national criminal history records information

obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency. The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories. The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

(7) The board shall issue a license to every applicant whose application has been filed with and approved by the board and who has paid the required fees and who either:

(a) Has passed the board's written examination and practical examination, with a score of not less than seventy percent (70%) on each examination; or

(b) Has achieved a passing score on a board approved nationally recognized examination, which examination includes a written and practical portion, as determined by the board; or

(c) Has received certification from a board approved national certification process; or

(d) Has achieved a passing score on a board approved nationally recognized written examination and has passed the board's practical examination with a score of not less than seventy percent (70%).

(8) The board shall keep a record of all examinations held, together with the names and addresses of all persons taking examinations, and the examination results. Within forty-five (45) days after the examination, the board shall give written notice of the results of the examination to each applicant.

SOURCES: Laws, 2009, ch. 447, § 10; Laws, 2013, ch. 465, § 10, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added (6) and redesignated (6) and (7) as (7) and (8).

§ 73-71-21. License without examination; requirements; reciprocity [Repealed effective July 1, 2017].

The board may, at its discretion, issue a license without examination to an acupuncture practitioner who has been licensed, certified or otherwise for-

mally legally recognized as an acupuncturist or acupuncture practitioner in any state or territory if all three (3) of the following conditions are met to its satisfaction:

(a) The applicant meets the requirements of practice in the state or territory in which the applicant is licensed, certified, or registered as an acupuncturist or acupuncture practitioner;

(b) The requirements for practice in the state or territory in which the applicant is licensed, certified or registered as an acupuncturist or acupuncture practitioner are at least as stringent as those of this state; and

(c) The state or territory in which the applicant is licensed, certified or legally recognized as an acupuncturist or acupuncture practitioner permits an acupuncture practitioner licensed in this state to practice acupuncture or acupuncture in that jurisdiction by credentials examination.

The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 2009, ch. 447, § 11; , Laws, 2013, ch. 350, § 45; reenacted without change, Laws, 2013, ch. 465, § 11, eff from and after July 1, 2013.

Joint Legislative Committee Note — Section 45 of ch. 350, Laws of 2013, effective from and after July 1, 2013 (approved March 18, 2013), amended this section. Section 11 of ch. 465, Laws of 2013, effective from and after July 1, 2013 (approved March 26, 2013), reenacted the section without change. As set out above, this section reflects the language of both amendments, pursuant to Section 1-1-109, which gives the Joint Legislative Committee on Compilation, Revision and Publication of Legislation authority to integrate amendments so that all versions of the same code section enacted within the same legislative session may become effective. The Joint Committee on Compilation, Revision and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at its August 1, 2013, meeting.

Amendment Notes — The first 2013 amendment (ch. 350) added the last paragraph.

The second 2013 amendment (ch. 465) reenacted the section without change.

§ 73-71-23. Continuing education requirements [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 12; reenacted without change, Laws, 2013, ch. 465, § 12, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-25. Approval of schools and colleges offering education and training in the practice of acupuncture; standards of professional education [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 13; reenacted without change, Laws, 2013, ch. 465, § 13, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-27. Effect of chapter on acupuncturist licensed, certified or registered under prior law; prohibition against performing professional responsibilities not qualified to perform; penalties for violation; liability insurance to be maintained [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 14; reenacted without change, Laws, 2013, ch. 465, § 14, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-29. Licensee reporting and record keeping requirements [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 15; reenacted without change, Laws, 2013, ch. 465, § 15, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-31. Compliance with applicable public health laws required; requisite practices [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 16; reenacted without change, Laws, 2013, ch. 465, § 16, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it

appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-33. Grounds for disciplinary actions [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 17; reenacted without change, Laws, 2013, ch. 465, § 17, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-35. Disciplinary proceedings; penalties; order to compel mental or physical examination [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 18; reenacted without change, Laws, 2013, ch. 465, § 18, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-37. Prohibited acts; penalties [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 19; reenacted without change, Laws, 2013, ch. 465, § 19, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-39. Board to establish program of care, counseling or treatment for impaired acupuncturists [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 20; reenacted without change, Laws, 2013, ch. 465, § 20, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it

appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-41. Confidentiality of patient care information; waiver of privilege [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 21; reenacted without change, Laws, 2013, ch. 465, § 21, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-43. License renewal; fees [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 22; reenacted without change, Laws, 2013, ch. 465, § 22, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-45. Renewal of expired license within four years after expiration; requirements for obtaining new license after four years after expiration [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 23; reenacted without change, Laws, 2013, ch. 465, § 23, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-47. Request by licensee to have license placed on inactive status; reinstatement [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 24; reenacted without change, Laws, 2013, ch. 465, § 24, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it

appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-49. Suspended license subject to expiration and can be renewed; revoked license subject to expiration but cannot be renewed; reinstatement fees [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 25; reenacted without change, Laws, 2013, ch. 465, § 25, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-51. Fees [Repealed effective July 1, 2017].

SOURCES: Laws, 2009, ch. 447, § 26; reenacted without change, Laws, 2013, ch. 465, § 26, eff from and after July 1, 2013.

Editor's Note — This section was reenacted without change by Chapter 465, Laws of 2013, effective from and after July 1, 2013. Since the language of the section as it appears in the main volume is unaffected by the reenactment, it is not printed in this supplement.

Amendment Notes — The 2013 amendment reenacted the section without change.

§ 73-71-53. Repeal of Sections 73-71-1 through 73-71-51.

Sections 73-71-1 through 73-71-51 shall stand repealed on July 1, 2017.

SOURCES: Laws, 2009, ch. 447, § 27; Laws, 2013, ch. 465, § 27, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment extended the repealer provision from “July 1, 2013” to “July 1, 2017.”

CHAPTER 73

Mississippi Certified Interior Designer Act

SEC.	
73-73-11.	Application from interior designer in another jurisdiction.
73-73-17.	Issuance of temporary certificates prohibited.

§ 73-73-11. Application from interior designer in another jurisdiction.

The board and IDAC may accept applications for Mississippi certification from an interior designer in another jurisdiction pursuant to Section 73-73-7 or

73-73-9. The issuance of a certification by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SOURCES: Laws, 2011, ch. 360, § 6; Laws, 2013, ch. 350, § 46, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the last sentence.

§ 73-73-17. Issuance of temporary certificates prohibited.

The board shall not issue a temporary certificate, except as authorized under Section 73-50-1.

SOURCES: Laws, 2011, ch. 360, § 9; Laws, 2013, ch. 350, § 47, eff from and after July 1, 2013.

Amendment Notes — The 2013 amendment added the exception at the end of the section.

Index

A

ACUPUNCTURISTS.

Criminal history record checks,
§73-71-19.

C

CRIMINAL HISTORY RECORD CHECKS.

Acupuncturists, §73-71-19.

Massage therapists, §73-67-21.

E

ELECTRONIC PROTECTION

LICENSING, §§73-69-1 to 73-69-35.

EPINEPHRINE.

Administration of auto-injectable epinephrine by school nurse or trained school employee.

Immunity of person rendering emergency care or treatment by use of, §73-25-37.

H

HOME INSPECTORS.

Real estate commission.

Legal counsel, employment authorized, §73-60-45.

HOME INSPECTORS —Cont'd

Real estate commission —Cont'd

Powers and duties, §73-60-7.

M

MASSAGE THERAPISTS.

Criminal history record checks,
§73-67-21.

MILITARY.

Professions and occupations.

Military-trained individuals or spouses, licensing, certifying or registering.

Issuance of license, certificate or registration, §73-50-1.

R

REAL ESTATE APPRAISERS.

Criminal history record checks,
§73-34-14.

REAL ESTATE BROKERS AND SALESPERSONS.

Size or area of property.

Disclosure of information required, §73-35-4.1.

